

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) published in July 2005 for the Brooklyn Bridge Park project. Public review for the DEIS began on July 26, 2005, with publication and distribution of the document. The Brooklyn Bridge Park Development Corporation (BBPDC) held a public hearing to receive comments on the document on September 19, 2005 in the Dibner Auditorium at Polytechnic University, 5 Metrotech Center, Brooklyn. The public comment period remained open until November 2, 2005.

The DEIS was circulated to involved and interested agencies and other parties and posted on the Empire State Development Corporation's (ESDC) website. Copies were also available for review at the New York Public library Cadman Plaza and Clinton Street branches, the offices of Community Boards 2 and 6, and the Office of the Brooklyn Borough President. To advertise the public hearing, BBPDC published notices in the New York Post on August 19th and in the Brooklyn Heights Press on September 8th and September 15th. In addition, information on the public hearing was posted on ESDC's website.

This chapter of the Final Environmental Impact Statement (FEIS) identifies the organizations and individuals who commented on the DEIS, and then summarizes and responds to their comments. It considers substantive comments made at the public hearing on September 19, and received through November 2, 2005. Section B, below, lists all individuals and organizations that commented on the DEIS. Following each commenter's name is a reference to the comment number(s) of his/her comment(s). Section C contains a summary of all substantive comments made and a response to each of those comments. The summary conveys the substance of the comments made, but does not quote the comments verbatim. The full text of public agency comments, written public comments, and hearing transcripts is available for public review at BBPDC's principal offices at 633 Third Avenue, New York, New York.

The comments are organized by subject area, as follows:

- DEIS Process And Public Participation
- Project Description
- Land Use, Zoning, and Public Policy
- Socioeconomic Conditions
- Community Facilities
- Open Space
- Shadows
- Historic Resources

¹ This entire chapter is new for the FEIS.

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- Urban Design and Visual Resources
- Neighborhood Character
- Water Quality and Natural Resources
- Hazardous Materials
- Waterfront Revitalization Program
- Infrastructure
- Traffic and Parking
- Transit and Pedestrians
- Air Quality
- Noise
- Construction Impacts
- Mitigation
- Alternatives

Following each comment is a list in parentheses of people or organizations that made the comment. If multiple similar comments were made on the same subject, they are summarized into a single comment with all commenters listed within the comment.

B. LIST OF COMMENTERS

PUBLIC AGENCIES AND OFFICIALS

1. New York City Department of Parks & Recreation, Adrian Benepe, Commissioner, spoken and written testimony of September 19, 2005. (Comments 19,32)
2. New York City Landmarks Preservation Commission, Amanda Sutphin, Director of Archaeology, Environmental Review Documents dated August 3, 2005 (Comments 202)
3. Port Authority of New York and New Jersey, Sandra Dixon, Manager of New York Affairs, spoken and written testimony of September 19, 2005. (Comments X)
4. Joe Chan, Senior Advisor to Deputy Mayor Daniel Doctoroff/Vice Chairperson Brooklyn Bridge Park Development Corporation, spoken and written testimony of September 19, 2005. (Comments X)
5. New York State Department of State, Stephen Ridler, Division of Coastal Resources, email of November 1, 2005 (Comments 283, 284)
6. New York State Office of Parks, Recreation, and Historic Preservation, Mary Ellen Kris, Regional Director, spoken testimony of September 19, 2005 (Comments X)
7. New York State Office of Parks, Recreation, and Historic Preservation, State Historic Preservation Office, Beth Cumming, Historic Preservation Specialist, written testimony of August 30, 2005 (Comments 185, 186, 190, 193, 196, 200, 201, 218)

ELECTED OFFICIALS

8. Honorable Nydia Velazquez, U.S. Representative, spoken and written testimony of September 19, 2005 and written testimony of October 6, 2005 (Comments 26, 27, 46, 87, 108, 117, 122, 127, 130, 134, 150, 155, 211, 351)

9. Honorable Marty Connor, New York State Senator, spoken testimony of September 19, 2005 (Comments 9, 31, 36, 54, 117, 130, 150, 173)
10. Honorable Joan Millman, Member of the New York State Assembly, spoken and written testimony of September 19, 2005 (Comments 38, 40, 46, 54, 56, 108, 116, 117, 120, 122, 129, 134, 150, 354)
11. Honorable David Yassky, Member of the New York City Council, spoken and written testimony of September 19, 2005 (Comments 27, 36, 108, 116, 117, 155, 156)
12. Honorable Bill DeBlasio, Member of the New York City Council, spoken testimony of September 19, 2005 (Comments 41, 108, 117, 134, 150, 173)
13. Honorable Marty Markowitz, Brooklyn Borough President (presented by John Benguiat), spoken and written testimony of September 19, 2005 and written testimony of October 10, 2005 (Comments 19, 20, 40, 46, 54, 55, 80, 87, 108, 117, 122, 127, 134, 155, 160, 173, 181, 188, 194, 222, 227, 242, 278, 321, 364, 405)

COMMUNITY BOARDS

14. Brooklyn Community Board 2 (CB2), Irene Janner, First Vice Chairperson, Written testimony of October 31, 2005. (Comments 19, 55, 56, 108, 150, 234)
15. Brooklyn Community Board 6 (CB6), Jerry Armer (Presented by Pauline Blake), spoken testimony September 19, 2005 and written testimony of September 15, 2005. (3, 5, 39, 42, 99, 108, 109, 116, 120, 134, 146, 148, 156, 167, 187, 203, 228, 242, 249, 288, 341, 353, 406)

ORGANIZATIONS

16. 52nd Assembly District, JoAnne Simon, Democratic District Leader, spoken testimony of September 19, 2005 and written testimony of October 6, 2005 (Comments 5, 136, 290, 350, 352, 389, 403)
17. Atlantic Avenue Betterment Association, Sandy Balboza, spoken and written testimony of September 19, 2005 (Comments 5, 26, 40, 87, 131, 134, 141, 374)
18. Atlantic Avenue Betterment Association, Irene Van Slyke, written testimony of September 19, 2005 and undated written testimony (Comments 5, 18, 30, 66, 87, 108, 148, 150, 288, 289, 294, 351, 354, 368, 378, 411)
19. Boerum Hill Association, Sue Wolfe, President, spoken and written testimony of September 19, 2005 (Comments 19, 92, 350, 352, 383)
20. Brooklyn City Streetcar Corporation, Arthur Melnick, spoken testimony of September 19, 2005 and written testimony of October 29, 2005(Comments 350, 366)
21. Brooklyn Bridge Park Conservancy, Marianna Koval, Co-Director, spoken and written testimony of September 19, 2005 (Comments 32, 33, 55, 134, 384)
22. Brooklyn Bridge Park Conservancy, written testimony of Tensie Whelan, Chair, Marianna Koval, Co-Executive Director, and H. Claude Shostal, Co-Executive Director, of November 2, 2005 (Comments 32, 33, 55, 134, 384)

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23. Brooklyn Bridge Park Defense Fund, Judith Francis, President, written testimony of November 2, 2005 (Comments 4, 5, 13, 26, 34, 42, 46, 58, 63, 69, 108, 113, 143, 148, 170, 180, 209, 213, 228, 350, 393, 437)
24. Brooklyn Greenway Initiative, Howard Gottlieb, spoken testimony of September 19, 2005 (Comments 85)
25. Brooklyn Greenway Initiative, Milton Puryear, written comments of August 5, 2005 and October 6, 2005 (Comments 85)
26. Brooklyn Heights Association, President, Mary Pat Thornton, spoken testimony of September 19, 2005 and written testimony of November 2, 2005 (Comments 14, 19, 46, 47, 49, 54, 56, 57, 76, 77, 80, 90, 108, 109, 114, 117, 127, 130, 132, 134, 138, 165, 175, 176, 194, 210, 215, 217, 222, 225, 227, 228, 238, 239, 244, 290, 295, 308, 313, 329, 337, 357, 358, 389, 393, 399, 400, 401, 402, 411, 413, 417, 421, 436)
27. Brooklyn Heights Association, Judy Stanton, Executive Director, spoken testimony of September 19, 2005 and written testimony submitted as Appendix of Brooklyn Heights Association written testimony of November 2, 2005 (Comments 156, 175, 176, 260, 399, 400)
28. Brooklyn Heights Association, Susan Rifkin, Governor, spoken and written testimony of September 19, 2005 (Comments 116, 117, 134, 160, 215, 221, 228, 229)
29. Brooklyn Navy Yard Development Corporation, Eric Deutsch, CEO, spoken testimony of September 19, 2005 (Comments 103)
30. Brooklyn Vision, Heloise Gruneberg, President, spoken and written testimony of September 19, 2005 and written testimony of October 6, 2005(Comments 5, 70, 101, 148, 242, 250, 251, 379)
31. Cobble Hill Association, Murray Adams, President, spoken and written testimony of September 19, 2005, written testimony of October 31, 2005 (Comments 5, 34, 67, 127, 150, 152, 153, 154, 295, 296, 297, 344)
32. Community Consulting Services, Brian Ketcham, written testimony of September 2, 7, and 19, 2005 (Comments 119, 130, 146, 289, 291, 292, 293, 294, 297, 298, 302, 303, 305, 306, 307, 318, 329, 330, 331, 332, 333, 334, 335, 336, 340, 341, 342, 367, 375, 376, 414, 415, 416)
33. Community Consulting Services, Carolyn Konheim, spoken and written testimony of September 19, 2005 and written testimony of November 1, 2005 with Brian Ketcham (Comments 119, 130, 146, 289, 291, 292, 293, 294, 297, 298, 302, 303, 305, 306, 307, 318, 329, 330, 331, 332, 333, 334, 335, 336, 340, 341, 342, 367, 375, 376, 414, 415, 416)
34. Downtown Brooklyn Council, Michael Burke, Executive Director, written comments of September 20, 2005.
35. D.U.M.B.O. Neighborhood Association, Michelle Whetten, President, spoken and written testimony of September 19, 2005 and written testimony of October 6, 2005 (Comments 5, 36, 127, 130, 196, 443)
36. Environmental Defense, Michelle Bicek, spoken and written testimony of September 19, 2005 (Comments 76, 85, 377)

37. Environmental Simulation Center, George Janes, spoken and written testimony of September 19, 2005 and written testimony of November 2, 2005 (Comments 7, 106, 171, 184, 204, 205, 206, 212, 220, 223, 225)
38. Fort Greene Association, written testimony of October 2005 (Comments 7, 90, 91, 108, 109, 137, 140)
39. Gowanus Dredgers, Owen Foote, spoken and written testimony of September 19, 2005 (Comments 21, 104, 105)
40. Historic Districts Council, Frampton Tolbort, spoken and written testimony of September 19, 2005 (Comments 127, 194)
41. Hudson River Watertrail Association, Nancy Brous, Metropolitan Region Director, undated letter (Comments 21)
42. Key Span, Al Wiltshire, spoken and written testimony of September 19, 2005 (Comments 22, 23, 32, 33, 114)
43. League Treatment Center, Margaret Bodell, spoken testimony of September 19, 2005 (Comments X)
44. Metropolitan Waterfront Alliance, Loren Talbot, spoken and written testimony of September 19, 2005 (Comments 21, 55, 73, 85, 264)
45. Municipal Art Society, Kent Barwick, spoken testimony of September 19, 2005 (Comments 6)
46. Municipal Art Society, Lisa Kersavage, written testimony of September 19, 2005 (Comments 19, 127, 188, 189, 194, 217, 404)
47. Natural Resources Defense Council, Eric Goldstein, spoken testimony of September 19, 2005 (Comments 26, 150)
48. Natural Resources Defense Council, Peter Nelson and Eric Goldstein, written testimony of November 2, 2005 (Comments 26, 150)
49. New York City Audubon Society, E. J. McAdams, Executive Director, written testimony of November 1, 2005 (Comments 24, 227, 238, 239, 268)
50. New York League of Conservation Voters, Marcia Bystryn, Executive Director, undated letter (Comments 55, 150, 155, 276)
51. Prospect Park Alliance, Tupper Thomas, President, spoken testimony of September 19, 2005 (Comments 6, 32, 56, 79)
52. Ral Companies, Robert A. Levine, spoken and written testimony of September 19, 2005 (Comments 28, 67, 121, 157, 197, 208, 282, 343, 360)
53. Regional Plan Association, Cara Griffin, spoken and written testimony of September 19, 2005 (Comments 26, 33, 52, 54, 55, 85, 114, 135, 259, 383, 419)
54. Sierra Club Atlantic Chapter, Ken Baer, Chair, spoken and written testimony of September 19, 2005 (Comments 2, 5, 113, 146, 149, 237, 238)
55. Society for Industrial Archaeology, Mary Habstritt, President, Roebling Chapter, written testimony of September 25, 2005 (Comments 189, 404)

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56. Transportation Alternatives, David Snetman, written testimony of October 2 and 3, 2005 (Comments 85).
57. Vinegar Hill Neighborhood Association, Nicholas Evans Cato, spoken testimony of September 19, 2005 (Comments 71, 127)
58. Waterfront Museum, David Sharps, President, written testimony of September 28, 2005 (Comments 99)
59. Willoughtown Association, Craig Bickerstaff, President, spoken and written testimony of September 19, 2005 (Comments 5, 11, 113, 134, 209, 210, 233, 308, 315, 344, 363, 381, 393) spoken testimony of September 19, 2005

INDIVIDUALS AND AFFILIATIONS

60. Ken Adams, spoken and written testimony of September 19, 2005 (Comments 9, 37, 79, 108)
61. Jonathan Ball, spoken testimony of September 19, 2005 (Comments 28)
62. Amanda Barrow, written testimony of September 20, 2005
63. Chris Bastian, spoken testimony of September 19, 2005 (Comments 7, 26, 58)
64. Warren Berger, Sierra Club, spoken and written testimony of September 19, 2005 (Comments 5, 8, 52, 143, 172, 230, 252)
65. Donald Betts, written testimony of September 19, 2005 (Comments 21)
66. Nancy Bowe, Brooklyn Bridge Park Association, spoken testimony of September 19, 2005 (Comments 27, 47, 48, 76, 108, 116, 150, 420)
67. Richard Brachman, Old Brooklyn Waterfront Alliance, written testimony of September 19, 2005 (Comments 52, 53, 122)
68. Barbara Brookhart, written testimony of October 24, 2005 (Comments 14, 16, 80, 122, 130, 152, 254)
69. Al Butzel, spoken and written testimony of September 19, 2005 (Comments 49, 54, 104, 117, 150)
70. Diane Buxbaum, Sierra Club, spoken and written testimony of September 19, 2005 (Comments 7, 52, 238, 242, 253, 255, 256, 287, 261, 262, 263, 437)
71. Neal Calet, Brooklyn Heights Association, written testimony submitted as Appendix of Brooklyn Heights Association written testimony of November 2, 2005 (Comments 156, 399, 400)
72. Jean Campbell, spoken and written testimony of September 19, 2005, emails of September 20 and 23 and October 3 2005 (Comments 2, 5, 58, 75, 76, 83, 94, 113, 115, 118, 127, 189, 210, 319, 345, 355, 356, 391, 393, 394, 396, 419, 420, 422, 425, 427, 428)
73. Frank Cervi, Floating the Apple, written testimony of September 19, 2005
74. Frank Ciaccio, spoken testimony of September 19, 2005 (Comments 72, 136, 180, 198, 308, 363, 370, 380, 393)

75. Barbara Charton, Friends of Brooklyn Bridge Park, spoken and written testimony of September 19, 2005 and written testimony of October 25, and November 1, 2005 and undated (Comments 4, 5, 10, 50, 84, 101, 113, 144, 148, 160, 183, 231, 242, 286, 287, 297, 310, 387, 388, 393, 419, 424, 432, 433)
76. Marvin Charton, written testimony of November 2, 2005 (Comments 11)
77. Thomas Chittenden, Brooklyn Heights Association, written testimony submitted as Appendix of Brooklyn Heights Association written testimony of November 2, 2005 (Comments 419, 421)
78. Alexandra Coveleski, spoken and written testimony of September 19, 2005 (Comments 92, 104)
79. Joan Craig, spoken testimony of September 19, 2005 and written testimony of November 2, 2005 (Comments 29, 150, 151, 210, 216, 217, 444)
80. K. Louise Cusack, written testimony of November 1, 2005 (Comments 52)
81. Ken Diamondstone, spoken and written testimony of September 19, 2005 (Comments 26, 30)
82. Dena Driver, written testimony of October 10, 2005 (Comments 19, 313)
83. Bernard Ehrlich, written testimony of September 19, 2005 and undated written testimony (Comments 100, 134)
84. Lawrence Eichorn, spoken testimony of September 19, 2005 (Comments 26, 122, 127, 134)
85. Catherine Fitzsimons, written testimony of September 19, 2005 (Comments 5, 113, 233, 308)
86. Camilla Fleming, spoken and written testimony of September 19, 2005 (Comments 54, 308, 350, 361)
87. Peter Fleming, spoken and written testimony of September 19, 2005, written comments of August 29, October 5, and October 6, 2005, emailed comments of August 10 and 22, 2005 (Comments 12, 13, 14, 59, 107, 134, 175, 210, 217, 231, 308, 309, 311, 320, 363, 369, 370, 371, 372, 393, 395, 418, 441)
88. Judi Francis, Willowtown Association, spoken and written testimony of September 19, 2005 and written testimony of October 6, 2005 and undated written testimonies (Comments 4, 5, 13, 26, 34, 42, 46, 58, 63, 69, 108, 113, 143, 148, 170, 180, 209, 213, 228, 350, 393, 437)
89. Tim Gamble, Downtown Boathouse, spoken and written testimony of September 19, 2005 (Comments 21, 55, 98, 101, 102, 155)
90. Mary Goodman, spoken and written testimony of September 19, 2005 and written testimony of October 6, 2005 (Comments 34, 42, 46, 52, 64, 65, 113, 143)
91. Cindy Goulder, spoken testimony of September 19, 2005 and written testimony of October 29, 2005 (Comments 14, 17, 150, 226, 227, 239, 240, 242, 245, 246, 247, 257, 258, 266, 267, 281, 442)
92. Richard Gualiteri, spoken testimony of September 19, 2005 (Comments 119)

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93. Ursula Hahn, written testimony of October 31, 2005 (Comments 46, 68, 110, 117, 125, 126, 127, 142, 174, 238)
94. Jessica Healy, written testimony of October 19, 2005 (Comments 363, 365, 370, 417)
95. Marcia Hillis, D.U.M.B.O. Neighborhood Association, spoken and written testimony of September 19, 2005 (Comments 5, 34, 116, 122, 144, 149, 192, 194, 254, 275, 359, 434, 437)
96. Bernard Issel, spoken testimony of September 19, 2005 (Comments 140)
97. Marcha Johnson, written testimony of September 19, 2005 (Comments 96, 241, 281)
98. Irene Janner, Brooklyn Heights Association, Brooklyn Bridge Park Conservancy, spoken and written testimony of September 19, 2005 (Comments 19, 55, 56, 108, 150, 234)
99. Jahmila Joseph, Brooklyn Bridge Park Conservancy, spoken and written testimony of September 19, 2005 (Comments 19)
100. Gail Keith-Jones, written testimony of September 19, 2005 (Comments 113)
101. Irma Kennedy, State Street Block Association, spoken and written testimony of September 19, 2005 (Comments 158, 166, 203, 217, 221)
102. Fred Kent, email of September 20, 2005 (Comments 149, 168)
103. Babette Krolik, Gowanus Dredgers, spoken testimony of September 19, 2005 (Comments 104)
104. Dan Landes, spoken testimony of September 19, 2005 and undated written testimony and written testimony of November 1, 2005 (Comments 11, 42, 52, 58, 62, 63, 94, 95, 100, 108, 110, 113, 149, 150, 162, 165, 180, 198, 221, 222, 223, 250, 312, 315, 316, 349, 363, 370, 381, 391, 393, 397, 398, 410, 437, 739, 440, 445)
105. Carl Lawrence, spoken testimony of September 19, 2005 (Comments 113, 122, 143, 250)
106. Ken Leung, spoken and written testimony of September 19, 2005 (Comments 34, 57, 276)
107. Timothy Logan, New York City Sierra Club, written testimony of September 19, 2005
108. Kenn Lowy, Friends of Brooklyn Bridge Park, President, spoken and written testimony of September 19, 2005 (Comments 5, 11, 25, 53, 108, 134, 149, 275, 437)
109. Anthony Manheim, spoken and written testimony of September 19, 2005, email of November 3, 2005 (Comments 1, 42, 113, 149, 434)
110. Laurie Maurer, written testimony of September 23, 2005. (Comments X)
111. Stanley Maurer, Friends of Brooklyn Bridge Park, spoken and written testimony of September 19, 2005 and undated written testimony (Comments 11, 13, 14, 15)
112. Michael McCarthy, Brooklyn Heights Association, spoken testimony of September 19, 2005 (Comments 308, 313, 317, 341, 408)
113. Eric McClure, Park Slope Neighbors, written testimony of September 19, 2005 (Comments 85)
114. Patti McDannel, Brooklyn Bridge Park Conservancy, spoken and written testimony of September 19, 2005 (Comments X)

115. Jim and Molly McDevitt, undated written testimony (Comments 150, 152)
116. Joseph Merz, spoken and written testimony of September 19, 2005 (Comments 5, 116, 143, 219, 297, 382, 393)
117. Joanne Nicholas, spoken and written testimony of September 19, 2005 (Comments 5, 242, 243, 248)
118. Erika Nijenhuis, spoken testimony of September 19, 2005 (Comments 26, 34, 42, 44)
119. Clint Padgitt, email of October 19, 2005 (Comments 117, 180, 299, 326, 361)
120. Nancy Park, spoken testimony of September 19, 2005 (Comments 407)
121. Otis Pearsall, Brooklyn Heights Association, spoken and written testimony of September 19, 2005 (Comments 214, 217)
122. Uri Peren, Brooklyn Bridge Park Conservancy, spoken testimony of September 19, 2005 (Comments 19, 51)
123. Howard Pitsch, spoken testimony of September 19, 2005 (Comments 106, 121, 127)
124. Nat Rubin, email of October 18, 2005 (Comments 74, 91, 108, 117, 134)
125. Julia Ryan, D.U.M.B.O. Neighborhood Association, spoken and written testimony of September 19, 2005 (Comments 122, 127, 235, 275)
126. Donna Simonie, Residents of 8 Old Fulton Street, spoken and written testimony of September 19, 2005 and written testimony of August 14, 2005 and undated letter (Comments 26, 40, 45, 77, 82, 117, 126, 131, 150, 179, 195, 199, 210, 211, 314, 327, 389, 392, 397, 401, 419, 429, 435)
127. Dorothy Siegel, spoken testimony of September 19, 2005 and written testimony of October 24, 2005 and undated written testimony (Comments 14, 19, 46, 90, 108, 109, 113, 127, 130, 134, 143, 152, 228, 254)
128. Roy Sloane, spoken and written testimony of September 19, 2005 and written testimony of September 12, and October 6, 2005 (Comments 3, 5, 34, 35, 109, 113, 144, 148)
129. Sandy Sobanski, spoken testimony of September 19, 2005 and emailed comments of September 20, 2005 (Comments 21, 92, 96, 101, 104)
130. Natalie Steber, written testimony of September 19, 2005 (Comments 288, 290, 300, 385, 386, 389, 390, 392)
131. Jeffrey Stanley, written testimony of September 16, 2005 (Comments 21, 104)
132. Jeffrey Stroom, Willowtown Association, spoken testimony of September 19, 2005 (Comments 116, 312, 362, 369, 393)
133. Robert Stone, spoken testimony of September 19, 2005 and written testimony of August 2005 and undated written testimony (Comments 5, 7, 26, 30, 42, 52, 58, 94, 100, 101, 109, 122, 136, 140, 143, 145, 163, 170, 175, 178, 180, 188, 198, 202, 228, 274, 275, 279, 280, 350, 38, 393, 400, 401, 437)
134. Brian Tener, Hochstein and Tener Investments, written testimony of August 25, 2005 (Comments 82)
135. Virginia Terry, spoken and written testimony of September 19, 2005 (Comments 19)

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136. Amanda Tree, spoken and written testimony of September 19, 2005 and email of October 19, 2005 (Comments 149, 228, 233, 236)
137. Tom VandenBout, Brooklyn Heights Association, written testimony submitted as Appendix of Brooklyn Heights Association written testimony of November 2, 2005 (Comments 127, 188, 191, 194, 401)
138. Gary VanderPutten, Fulton Ferry Landing Association, spoken testimony of September 19, 2005, written testimony of October 6, 2005 and November 1, 2005 (Comments 29, 45, 77, 82, 88, 117, 123, 124, 127, 131, 150, 155, 211, 238, 290, 301, 325, 339, 347, 373)
139. William Vinicounbe, LDC BBP, spoken testimony of September 19, 2005 (Comments 32)
140. Michael Vojtisek-Lom, email of September 19 and November 2, 2005 (Comments 93, 97, 101, 104, 242, 250, 251, 262, 379)
141. Joan and Mark Wallach, undated written testimony (Comments 45, 46, 50, 71, 123, 124, 131, 211, 217, 290, 328, 348, 389)
142. John Watts, Brooklyn Bridge Park Development Corporation Board, spoken testimony of September 19, 2005 (Comments 150)
143. Lucy Wilner, written testimony of September 19, 2005 (Comments 179, 195, 401)
144. Lissa Wolf, Floating the Apple, spoken testimony of September 19, 2005 (Comments 21)
145. Stephanie Zancolli, Willowtown Association, spoken and written testimony of September 19, 2005 (Comments 40, 42, 134)
146. Robert Zimiles, spoken testimony of September 19, 2005 (Comments 78, 211)

C. COMMENTS RECEIVED

DEIS PROCESS AND PUBLIC PARTICIPATION

GENERAL COMMENTS ON PROCESS AND PARTICIPATION

Comment 1: One public hearing two weeks after Labor Day is not sufficient. (Manheim)

Response: The public hearing held on September 19, 2005 conforms to SEQRA regulations. In addition, the public was provided with the opportunity to provide written comments on the DEIS from July 26, 2005 to November 2, 2005. This 100 day public comment period is more than three times longer than the 30 days required by SEQRA's implementing regulations.

Comment 2: Reasoned decision-making is impossible, as the information provided is faulty, untrue and incomplete. (Baer)

The DEIS includes important information, but it is brushed aside as insignificant. (Campbell)

Response: The DEIS was prepared in accordance with SEQRA's implementing regulations, the Final Scoping Document (dated June 17, 2005), and the *CEQR*

Technical Manual and contains the appropriate analyses to evaluate the potential for significant adverse impacts as a result of the proposed project.

Comment 3: Pier 6 is entitled to the same open planning process that the rest of the park received. Pier 6 is referred to in the Guiding Principles but it was ignored. (Sloane) There was no public participation for the programming of Pier 6. (Armer)

Response: The project design is the product of extensive and continuing public outreach. BBPDC has met numerous times with various community groups and conducted three separate sessions with the Community Advisory Council regarding the planning for Pier 6, supplemented by meetings with neighborhood organizations and other groups that represent the southern portion of the study area.

Comment 4: The inclusion of 360 Furman Street adds six acres to the park with no opportunity for public review or comment. The agreement was not made public before its completion. It was fast-tracked off the city tax rolls and out of the Uniform Land Use Review Process (ULURP). (Charton , Francis)

Response: 360 Furman Street was added to the proposed project to increase revenue available for park maintenance and operations. The incorporation of 360 Furman Street into the proposed project was included in the Final Scope of Work and DEIS for the proposed project. The public was provided with a 100 day comment period in which to provide comments on the DEIS.

NEW SCOPING AND SUPPLEMENTAL DEIS

Comment 5: Since the plan has changed significantly since the 2003 scope and the changes materially affect the scope, a new scope, General Project Plan (GPP), and Supplemental DEIS with a public comment process are needed. This was done for the Downtown Brooklyn Development Plan. This is not the plan the public agreed to. The project plan is flawed and invalid. No information was publicly provided on the project changes and there was no public hearing for the scope of this DEIS, which does not reflect the 2003 Scope of Work. There were no residential buildings in the 2000 Master Plan, 2003 Concept Plan or 1992 Guiding Principles. The original project did not have 360 Furman Street, a hotel, John Street residences, or new roadways in the park. The changes affect traffic, shadows, noise, parking, and neighborhood character and the scale of the original scope. There should have been a hearing on the scope of the project and the implications of the changes. This violates SEQRA. (M. Adams, Armer, Balboza, Bickerstaff, Campbell, Fitzsimons, Francis, Gruneberg, Hillis, Konheim, Lowy, Merz, Nicholas, Simon, Sloane, Stone, Van Slyke, Whetten)

A supplement is standard procedure under SEQRA if the proposed project or conditions change after the initiation of the DEIS or there is significant

deficiency in the assumptions and analyses that must be considered by the public and the involved agencies. The differences between the May 2003 draft scope and final scope are critical to producing an adequate review. Each difference demands a point by point response to public comments. This is an essential of the EIS process, which is missing and makes the process illegal. No scoping report was published that addressed the comments made at the scoping hearing, thus the scoping process. It is a requirement of the EIS process. The process is thus questionably legal and exposes the project to lawsuits and delays. (Baer, Barrow, Charton, Konheim)

If the 2003 scope had included the residential element, comments would have focused on the very different travel pattern of residents and recreational users and the need for more relevant trip generation factors, such as a survey of nearly identical developments and demographics in D.U.M.B.O. Many other requirements of the DEIS would have been made. (Konheim)

The inclusion off 360 Furman Street has enormous implications for many elements of the EIS. The 2003 scope called for the upland area of Piers 3 to 5 to be rolling lawn. (Konheim)

The process is invalid as there was no public input after the plan was completely revised. The plan needs to be revised. (Berger)

The issuance of a final scope a month before the DEIS and citing the 2003 hearings and comment period as evidence of public input is a failure to be consistent with 6-NYCRR Part 167. (Konheim)

Response:

The DEIS was prepared in conformity with SEQRA and CEQR requirements. All substantive verbal and written comments received on the Draft Scope for the Brooklyn Bridge Park project were considered in the formulation of the Final Scope of Work for the project, as well as in the preparation of the DEIS. In addition, the proposed project itself was modified to reflect certain comments received through the scoping process, for example, by increasing the park's water-dependent programmatic elements. The Final Scope was modified to reflect the evolution of the proposed project following the issuance of the Draft Scope, but prior to the preparation of the DEIS, including changes made in response to scoping comments, as well as the addition of Pier 6 and the 360 Furman Street site to the park plan. The Final Scope includes the appropriate analyses for these project elements, and those analyses are provided in the EIS.

Contrary to the suggestion in this comment, there is no provision, much less a requirement, in either SEQRA or CEQR for "supplementation" of a draft scope in the event that the project evolves following its issuance. Moreover, this comment fails to acknowledge the extraordinarily lengthy period provided for submission of public comments on the DEIS (a total of 100 days in contrast to the thirty days required under SEQRA). The comment also fails to take note of the numerous public meetings that were conducted by the project sponsors

between issuance of the Draft Scope and publication of the DEIS. Further, the Draft Scope of Work, which broadly described that Pier 6 may be used for “economic development opportunities,” encompassed the potential for residential development on the site.

With respect to the comment that a supplemental DEIS (SDEIS) should be prepared, none of the criteria set forth in the SEQRA regulations regarding the preparation of a SDEIS has been met in that the EIS analyzes the current proposed project.

Comment 6: Changes can be made within the EIS context to improve the park. (Barwick) Issues related to building height will be resolved during the design process. (Thomas)

Response: Comment noted.

Comment 7: The DEIS has many errors and omissions related to chapters 1, 3, 6, and 8. A supplement is needed to correct these issues prior to the FEIS. (Janes) The DEIS has inaccuracies. A new DEIS is needed (Buxbaum, Fort Greene, Stone) The DEIS does not provide a clearly supportable record of the project. (Bastian)

Response: See response to Comment 5. The DEIS was prepared in conformity with the Final Scope of Work. All substantive comments are responded to in the FEIS.

Comment 8: I urge rejection of the DEIS. (Berger)

Response: Comment noted.

Comment 9: There is no need for a supplemental DEIS. You could build less development and less park with no new impacts and avoid a supplement. (K. Adams) The plan can be improved within the contours of the EIS. (Connor)

Response: Comment noted.

Comment 10: Public comments on New York State Department of Environmental Conservation’s (DEC) waterfront permits will lead to extensive evidentiary hearings that can include the inadequacy of the EIS and a full and accurate disclosure of impacts of all kinds. The State permit process would require a full evaluation of the original park plan as an alternative to minimize impacts, so the DEIS should do it now. If significant issues are not resolved within the DEIS framework they will lead to adjudicatory hearings and delay in the permit processes. (Konheim) The deficient EIS will delay approval of Army Corps permits as it does not explore all reasonable alternatives. (Konheim)

Response: Comment noted. The DEIS was prepared in accordance with SEQRA’s implementing regulations, the Final Scoping Document (dated June 17, 2005),

and the *CEQR Technical Manual* and contains the appropriate analyses to evaluate the potential for significant adverse impacts as a result of the proposed project.

PROJECT DESCRIPTION

PARK SIZE AND COMPONENTS

Comment 11: Over thirty percent of the park is dedicated to development in violation of the 2002 Memorandum of Understanding signed by New York City and New York State (MOU). There are 62 acres of park according to the planner's budget report: 8.5 acres (14%) is housing, hotel and restaurant, 6 acres (10%) are roadways and parking to support the development, 5 acres (8 %) are land support for the active marina (parking on Pier 5, roads to pier for fuel delivery and yacht repair buildings, and cranes for plucking yachts). This is 32 percent dedicated to the commercial enterprise. (Francis) Development uses exceed 20% of the park and violates the MOU. Not as much development is required to support a 62 acre park. (Bickerstaff, Lowy)

Once the water areas are removed from the park acreage, the developed portions occupy almost half of the remaining space. (M. Charton)

More than 10 percent of the park will be used for development. (Landes)

Performing a calculation from the DEIS drawings the park is 95 acres, 60 acres of net land and pier, 15 acres of building area, 10 acres of safe water, 8 acres of marina and 2 acres of enclosed water at the north end. All the water, buildings and marina are 35 acres compared to net useable park of 60 acres and 20 acres are water. This is a ratio of almost 2 to 1 of net park to other uses. Twenty five percent of the park is used for development and the balance is water area. (S. Maurer, Konheim)

Response: It is incorrect to assert that there is a violation of the MOU. The DEIS provides an accurate description of the proposed park, consistent with the details of the GPP. The allocation of space between the park's recreational and commercial elements is accurately described and conforms to the MOU. The acreage of the park, including development areas, is broken down in Table 1-2 in Chapter 1 of the FEIS.

Comment 12: Using 62 acres as the denominator to determine acreage dedicated to development is incorrect. This already eliminates the 10.34 acres of safe water area and the 7.47 acres of building development. It is incorrect that there are 6 acres of roads and 5 acres of ramps and accoutrements for the marina that are incorporated into the development part of the park. (P. Fleming)

Response: The acreage of the park, including safe water areas and development areas, is broken down in Table 1-2 in Chapter 1 of the FEIS.

Comment 13: There is confusion about the size and components of the park. The park is growing—from 67 acres in the 2002 Master Plan to 70 acres in the 2003 scope, to 80 acres in the new plan and June 2005 scope, and now it is 85. Every time they add housing they include more water. (Francis, S. Maurer) Explain how the park increased by five acres from the November 2004 Budget document. (P. Fleming)

Response: Acreage calculations were modified as areas were added to the park, such as 360 Furman Street and safe water area. The increase of five acres referred to in the comment reflects inclusion of acreage from 360 Furman Street (3 acres) and a safe water area of 2 acres. The safe water area is included in the park acreage calculation because it is acreage that is maintained by the park and will be used for public recreation.

Comment 14: The DEIS does not describe how the various areas are calculated. Indicate where the 85 acres comes from. (P. Fleming, S. Maurer) The DEIS needs to show a GIS analysis giving the breakdown in acreage and percentage of active and passive open space, paved vs. earthen space. Data can be processed according to type of usage, surface, accessibility and revenue generation. This analysis could also help dispel false assumptions by providing indisputable correct data. (Brookhart, Goulder, Siegel, Thornton)

Describe how the 8.5 acres of development is generated. The 7.47 acres presumably includes the Tobacco Warehouses, parts of Empire Stores to be dedicated to public uses, and existing structures that will be used for park operations or for which use has not yet been determined. (P. Fleming)

The DEIS does not provide sufficient detail as to what is considered parkland. It is not clear if the marina and access roads to commercial elements and ancillary parking lots is considered parkland or development component. (Brookhart, Siegel)

The DEIS should be redone to show an accurate analysis of the various park components. (S. Maurer)

Response: Table 1-2 of the FEIS provides a breakdown of uses in the proposed park, including recreational and development components. The FEIS describes the amounts of passive and active open space within the park, as well as the amount of pervious upland surface. Of the 85.2-acre project site, approximately 8.24 acres are used for development. The proposed marina is not included in the 85.2 acre total or the 8.2 acres of development. The 8.2 acres of development include the footprints of the two proposed new buildings on the uplands of Pier 6; 360 Furman Street; the hotel/residential building on the uplands of Pier 1; the

Empire Stores building; and the proposed new building along John Street to the northeast of the Manhattan Bridge. The remaining existing structures to be retained on the site will likely be used for park maintenance and operations and are not included in the 8.2 acres of development. Approximately three acres of internal vehicular roads and parking lots are identified as part of the park and are included in the calculation of useable park space.

Comment 15: There are two acres of existing buildings on the plan for which no use is stated. (S. Maurer)

Response: As shown in Table 1-2 of the FEIS, there are approximately 2.2 acres of existing buildings in the park for which a specific use has not yet been established. It is anticipated that these buildings could be retained and used for park maintenance and operations. Another possible use of these buildings is for boat storage.

Comment 16: The DEIS needs to be clear as to what takes precedence, the MOU that states that 20 percent of the project may constitute development parcels or the DEIS that claims that the self-financing elements of the plan are no more than 10 percent of the 85 acres. (Brookhart, Charton)

Response: The EIS accurately states that the proposed park plan is in conformance with the MOU. The MOU requires that no more than 20 percent of the project area may be dedicated to revenue generating uses to support the maintenance and operations of the park. As planned, however, the development parcels consume only about 10 percent of the total project area.

Comment 17: The MOU does not specifically state anything about development parcels or how much turf they may be allotted. The GPP says that the MOU describes that development parcels may not constitute more than 20 percent of the project. This is inappropriate in its assumptions of authorization. (Goulder)

Response: The MOU, which is included as Appendix A of the EIS, states that “no less than 80 percent of the Project will be reserved as open space and will be dedicated as parkland.” Thus, the characterization that no more than 20 percent of the project may be dedicated for development uses and not used for recreational purposes is a correct paraphrasing of the MOU.

Comment 18: The EIS should show the boundaries of the park and distinguish between park that is public park land and the open space that belongs to the residential buildings. (Van Slyke)

Response: The park boundaries are illustrated in Chapter 1, “Project Description.” All recreational space within the park is open to the public. None of the open space in the park is owned by or associated with the residential buildings to the exclusion of the public.

PURPOSE AND NEED/PROJECT BENEFITS

Comment 19: The park is needed as Brooklyn does not have enough open space and Brooklyn has the lowest percentage of parkland and the fewest parks. People within ¼ and ½-mile of the park are starved for active recreation. (Benepe, Defense Fund, Driver, Janner, Joseph, Kersavage, Markowitz, Peren, Siegel, Terry and 3,000 cards, Thornton, Wolfe)

Response: Comment noted.

Comment 20: More access to the water's edge is needed. (Markowitz) Waterfront access must be adequate so that the public is not fenced off from the river. (Whelan)

Response: The proposed project through the introduction of a new circulation system has increased the existing water's edge from 2.4 miles to almost 4 miles and provides extraordinary access to the water's edge via pedestrian paths, floating boardwalks, and publicly-accessible piers.

Comment 21: There is a large demand for free kayaking in New York City and on the Brooklyn waterfront. Human-powered boating should be included in the park. (Brous, Foote, Gamble, Sobanski)

Waterfront access space is needed now. The Red Hook boathouse shut down because of pier safety issues and Floating the Apple (FTA) no longer has a docking point on the East River. The park will be big enough to serve the needs of rowers and paddlers. Kayaks and canoes can be stored in an old warehouse building. FTA will have its own boathouse on one of the piers and can do boat maintenance in the winter. (Brous, L. Wolf)

Concerns about boating on the East River are invalid. Teaching boating skills and building access points increases safety. Creating safe and well-designed facilities for boating is critical, as boating popularity increases. (Brous, Stanley, Talbot)

Floating the Apple restores access to the water with community owned boats from neighborhood boathouses. Access to the water and guidance and instruction for safety are important. (Betts)

Multiple boathouses and docks would enable different types of boats to be used at the park without conflicts. Rowboats and kayaks have different storage and launching requirements. (Gamble 8)

Response: As described in Chapter 1, "Project Description," the park would provide opportunities for accessing the water via non-motorized boats including kayaks, canoes, and paddle boats. A shed on Pier 2 or 3 would be used for storing these non-motorized boats and an existing building on the park uplands could also be used for this activity. It is expected that various types of non-motorized

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watercraft could be stored in the same facility. A safe water area and protected boating channel would provide a safe environment for non-motorized boating. Boat launching could be provided from the beach at Pier 4.

Comment 22: The park will create jobs and stimulate the local economy. It will transform a dormant section of the waterfront into a vibrant use and attract visitors. (Burke, Wiltshire)

Response: Comment noted.

Comment 23: The park complements other development that provides cultural and recreational amenities. The park will make Brooklyn a more attractive place to live and work. (Burke, Wiltshire)

Response: Comment noted.

Comment 24: The park will provide new habitat that will be beneficial for wildlife and serve as venues for education. (McAdams)

Response: Comment noted.

Comment 25: Because this is a City and State Park both parks departments should be more involved in the planning. (Lowy)

Response: Both the City and State Parks Department Commissioners are on the Board of Directors of the Brooklyn Bridge Park Development Corporation and therefore are directly involved in every major decision that is made in connection with the planning of the project.

PROJECT COST AND FUNDING

Comment 26: The revenue analysis is deficient. A comprehensive analysis of all revenue streams needs to be done and shared. The budget process needs to be more transparent. There is no expanded discussion and only one table in the Alternatives Chapter. A reader can not determine how the analysis was reached. The necessary financial information is not provided in the DEIS. The public deserves information so that they can comment on the choices made. The sources of revenue and expenses and revenue calculations need to be detailed so that the public can comment intelligently. The assumptions must be provided so that the public can determine what development makes sense. (Balboza, Bastian, CB2, Francis, Simonie, Diamondstone, Eichorn, Griffin, Goldstein, Nijenhuis, Velazquez)

Response: There were public meetings held to brief community members on both the maintenance and operations budget and the revenue analysis during the planning process.

Information, in addition to that which was available in the DEIS regarding the maintenance and operations budget and revenue analysis for the proposed project and for the Reduced Density Alternative, was made available for public review on September 29, 2005, and is included as Appendix C of the FEIS. The additional information was available for comment during the public review period for the DEIS.

Comment 27: 360 Furman Street details should be made public for review. The financial data on the PILOTS at 360 Furman Street should be provided. (Bowe, Velazquez)

The DEIS does not address the justification and process of inclusion of 360 Furman Street in the park and the legal and operating relationship with it and other proposed private developments, beyond PILOTS. (Konheim)

Revenue from 360 Furman Street, which is intended to be converted to residential use, should be in the proposed budget. (Yassky)

Response: The proposed development program for Brooklyn Bridge Park includes a development at 360 Furman Street, with approximately 500 residential units, ground floor retail and/or restaurant uses, and an estimated 650 parking spaces for building residents and the public.

Revenues from this and other development are included within the revenue analysis found in the EIS. Since negotiations with the developer of 360 Furman are ongoing, it is not appropriate to disclose further details at this time. Without the inclusion of the 360 Furman Street development within the park, development components at other locations in the park would have to be increased.

Comment 28: The 360 Furman Street project will make a major contribution to the park's self sufficiency. (Levine) The development of Empire Stores will bring economic benefit to the park. (Ball)

Response: Comment noted.

Comment 29: The details of the agreement that exist with the Empire Stores developer are not provided. More information on the plans for the site is needed since this is an historic resource. (Craig)

The financial contribution from Empire Stores needs to be fully disclosed. The proposed retail may not generate sufficient income. Partial residential use of this site should be explored. (VanderPutten)

Response: Revenues from this and other developments are included with the revenues analysis found in the EIS. Since negotiations with the developer of the Empire Stores are ongoing it is not possible to discuss further details at this time. As is noted in the EIS, all work, including the restoration and construction to renovate the Empire Stores would be undertaken in accordance with Secretary of the Interior's Standards for Treatment of Historic Properties. Residential development for this site is not appropriate, as the building could not be adaptively reused for residential use without significantly compromising its historic status.

Comment 30: The DEIS has no study of the condition of the piers so it can't be determined what structures they can hold or how much it will cost to maintain them, yet the budget shows \$3.6 million of long-term pier maintenance. (Van Slyke) Pier by pier budget projections are needed. (Diamondstone)

Response: Pier conditions, and the cost of improving and maintaining the piers, were determined through a study conducted in 2004, in which marine engineers on the planning team verified the conditions of the piers through dive inspections. The engineering study conducted in 2004 that served as the basis for the cost estimate has been provided to community members upon request.

Based on the conditions assessment, the planning team confirmed that the annual cost of repairing the piers is \$3.4 million. The remainder of the costs in the \$3.6 million annual capital cost for maintenance of pier structures is attributable to maintenance of new structures that will be created as part of the park construction.

Comment 31: We will not know the finances until the design phase and Request for Proposals (RFP) process. The Request for Proposals (RFP) will see what the market can yield. (Connor)

Response: The financial information in Appendix C provides information on project revenue and costs of maintenance and operations. The actual amount of revenue that could be generated by the development parcels will not be determined until the RFP process is completed.

Comment 32: The park will not burden city coffers. A revenue-supported park is a good idea so that the park does not get caught up in political budget processes and will not have to compete with other priorities. A built in maintenance capability is necessary. A self-sufficient park will ensure that the park receives maintenance over the long-term. (Benepe, Chan, Thomas, Vinicounbe, Wiltshire)

The park will ensure its future through a dedicated revenue stream. The plan is self-sustaining. (Benepe, Koval)

The self-sustaining park minimizes the number of fee-based recreational activities. You should not have to pay to use the park. (Vinicounbe)

Response: Comment noted. The park plan is consistent with the requirements of the MOU, which requires that all revenues, including rent and payments in lieu of taxes derived from commercial development within the Project area, be dedicated to the maintenance and on-going operational needs of the project. There are no fee-based recreational activities in the project plan.

Comment 33: The 70 acres are supported by fewer than 10 acres for revenue generation. Less than 10 percent of the park is dedicated to development uses. (Griffin, Koval, Wiltshire)

Response: Comment noted.

Comment 34: The economic plan is precarious as it relies on one revenue source and precludes an investment strategy based on diverse revenue sources. Periodic rent is used to fund the capital budget. Residential use is not a perpetual money machine. (M. Adams, Francis, Goodman, Hillis, Nijenhuis, Sloane) The \$15 million M&O estimate is based on a strong market continuing. Prices fluctuate. Consider a conservative forecasted funding source estimate and factor in a flattening or declining real estate market. (Leung)

Response: The capital budget for the park will be funded by the State and City government and not supported by the revenue generated by the development in the park. The market will ultimately determine the amount of revenue that can be generated by the project's development components. The proposed program was developed specifically with the consideration of a fluctuating market and was designed to ensure a steady, reliable revenue stream for the park.

Comment 35: A true self-sustaining park is needed. The proposed plan does not necessarily meet the self-sustaining test as the funds will run out in 30 years. (Sloane)

Response: The assertion that the park is not self-sustainable is incorrect. As shown in Table 1-2 of the FEIS and elaborated in the revenue analysis attached as Appendix C, the revenue analysis found that the proposed development program for Brooklyn Bridge Park would be sufficient to make the park self-sustaining. The park is not expected to run out of money in 30 years. Based on the financial analysis, the current development program sets out a maximum envelope for development and an assessment of market conditions. A competitive developer selection process will take place to determine the actual amount of development necessary to sustain the park.

Comment 36: Alternate sites for revenue generation, other than the John Street Site and the Purchase Building site, should be explored. (Yassky, Whetten) Residential use

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should be located elsewhere in the north end of the park, in D.U.M.B.O. Proposals for residential development in D.U.M.B.O. should be pursued. (Connor)

Response: As described in Chapter 1, “Project Description,” of the EIS, the potential locations of new buildings on the project site are severely restricted by the view planes and viewsheds across the site. Any new buildings would have to be located so as not to obstruct views of the harbor and the Lower Manhattan skyline from the Brooklyn Heights Promenade and to protect viewsheds from the foot of Atlantic Avenue, Old Fulton Street, and from the base of the Manhattan Bridge. In addition, in order for development to be successful it must be accessible, and the opportunities for such access at the project site are essentially limited to Atlantic Avenue, Old Fulton Street, and D.U.M.B.O. No preferable sites for revenue generation have been identified on the project site.

Comment 37: We should honor the self-sustaining principle to a point at which we are comfortable with the amount of development in the park and then the community should raise money for the building and maintenance of the rest of the park. (K. Adams)

Response: Comment noted.

Comment 38: Residential development in existing structures should be considered if additional revenue is needed to compensate for the decrease in height at the buildings on the Pier 6 uplands. Impacts can be minimized by diffusing residential density. (Millman)

Response: Comment noted.

Comment 39: Recalculate the money needed for M&O based on the inclusion of more active uses and scaling down of wave attenuation devices. The GPP should be revised to include new revenue sources, such as active and passive recreational elements from the June 2000 Master Plan. (Armer)

Response: The proposed project contains approximately 77 acres of recreation space, approximately 40 acres of which are active recreation space, with 8.5 acres of sports courts, fields, and playgrounds. The maintenance and operations budget for the proposed project has been calculated to provide for the costs of upkeep for these areas. Wave attenuation devices remain as a necessary element of the proposed project, but would be a minor expense with respect to maintenance and operations.

The revenue that was projected from recreation uses in the 2000 Master Plan came from the recreation center in the pier shed on Pier 5. According to the Financial Analysis prepared in connection with the 2000 Master Plan, dated July

15th, 2000, the recreation center was estimated to yield \$761,538 in revenue annually, an amount that could not support the revenue needs of the park.

Comment 40: Once long-term capital needs are taken out of the M&O budget, no development is needed on Pier 6 or on the John Street site (these sites generate 4 million and 1.8 million respectively). (Zancolli)

If true M&O costs are calculated, removing the private security and capital items, no housing will be needed. (Defense Fund)

Eliminate costly park features and evaluate alternative revenue producers so that residences can be removed. (Balboza)

The residential development needed can be scaled back if the maintenance costs are lowered. The maintenance costs do not require the number of units proposed. (Markowitz) Costs should be cut to lower the operational budget. (Millman)

Park planners must work diligently to reduce the revenue required for the park and maximize revenue. (Simonie)

Response: The amount budgeted for park maintenance and operations is \$15.2 million per year. The BBPDC has determined that this amount is required to maintain an adequate level of service for the park, and has not proposed a reduction in this budget. Long-term capital needs are not included in the budget for park maintenance. The budget estimates were prepared in conformity with recognized accounting principles, the guidance of the New York City Office of the Comptroller, and the terms of the MOU.

The project team determined that residential development would be the revenue-generating use that is most appropriate to a public park and maximizes parkland while minimizing the area required for development. More detail on these findings are found in Chapter 1. The space currently devoted to revenue-generating uses—approximately 10% of the project area—is well below the 20% cap set out in the MOU that created Brooklyn Bridge Park.

Comment 41: The 30 story building needs to decrease in height. It is not necessary from a budget perspective. There are other ways to achieve the revenue necessary. (DeBlasio)

Response: Chapter 20, “Alternatives,” considers alternatives that would lower the height of the 30-story building. The first of these alternatives is the Reduced Density Alternative, which was considered in the DEIS. As shown on Table 20-1 the cash flow analysis for this alternative found that the capital reserve could not recover from lack of income in the early years, and the park would run out of money sometime approximately 10 years after construction is completed. Under this alternative, the park could not be self-sustaining. It would need public

funding to make up the difference between anticipated revenue from development and the cost of park maintenance and operation. Thus, this alternative would not meet one of the essential requirements of the proposed project.

The FEIS includes a new alternative that identifies a financially viable option for reducing the height of the 30-story building but requires increasing the height of the 8-story building in order to meet the financial requirements of the proposed project.

Comment 42: The MOU does not say that the park must be self-sustaining. It says that all revenue, including rent and PILOTs from commercial development within the project area shall be dedicated to maintenance and ongoing operation and needs of the project. This is consistent with limiting M&O to ongoing maintenance not capital budgets. The definition of self-sustaining used in the DEIS is not what was intended in the original deal. The self-sustainability was intended for normal park maintenance (an estimated 9.8 million of operating expenses) such as lawn mowing, tree pruning, and repainting. The money was to come from limited relevant on-site commercial uses. Planting trees, maintaining pier infrastructure, vehicle replacement, and maintenance and security guard salaries should not be a part of the upkeep expense budget. They are part of the capital budget. Long-term capital costs (estimated at \$5.4 million in the 11/04 Budget Report) should not be included in the maintenance and operations budget. (Armer, Defense, Francis, Goodman, Konheim, Landes, Manheim, Nijenhuis, Stone, Zancolli)

Response: The above comment is predicated on a misunderstanding of what is stated in the MOU. Support of the park's maintenance and operating costs through the project's development parcels is what was intended by the MOU.

Comment 43: The MOU restricted the nature of permitted commercial activities to those consistent with the Illustrative Master Plan. It does not state that housing is permitted. (Defense Fund)

Response: Nowhere in the MOU does it state what the commenter alleges. In fact, the MOU states "that the Project shall be guided by the provisions contained in the Illustrative Master Plan subject to refinements arising from the completion of the planning and environmental review process for the Project." Neither the MOU nor the 2000 Illustrative Master Plan prohibits residential development.

Comment 44: The park may want to support capital expenses out of park revenues so that the park does not fall into disrepair. (Nijenhuis)

Response: Comment noted.

Comment 45: The annual capital maintenance budget of \$3.6 million and operation and security budget of \$2 million should be funded through sources other than park revenues. (Simonie, VanderPutten, Wallach)

Response: The terms of the MOU require that the maintenance and operations of the park are to be funded from park revenues.

Comment 46: A private security force is not needed. The NYPD can provide security services. By eliminating this from the maintenance and operations budget, less revenue will need to be generated to support the park. (CB2, Defense Fund, Francis, Goodman, Konheim, Markowitz, Siegel, Velazquez, Millman, Wallach)

Security personnel and park rangers must be law-enforcement officers. (Hahn)
Security should not be dropped from the park plan. (Thornton)

Response: Dedicated security is part of the park plan. In the event of an emergency or a major event requiring law enforcement presence, it is expected that park security would call on the NYPD for support. Brooklyn Bridge Park would use similar security arrangements as Central Park and other parks in the city, none of which rely exclusively on New York Police Department officers. Parks operated by the New York City Department of Parks and Recreation rely on Park Enforcement Patrol officers for security. Parks that are operated by the New York State Office of Parks, Recreation and Historic Preservation use Park Rangers for security. The park plan envisions a similar arrangement for Brooklyn Bridge Park.

The amount budgeted for security for Brooklyn Bridge Park is in line with, or less than, money spent by comparable New York parks for security. For example, Hudson River Park spends 16% of its total budget on security, compared to 13% budgeted for Brooklyn Bridge Park.

Comment 47: Pier 6, 360 Furman Street, and the Con Edison parcel were not in the original plan when funding was decided. Additional funds are needed to construct these portions of the park. The material increase in park size and infrastructure required to serve it necessitates more funding. (Bowe, Thornton, Whelen)

Response: Comment noted. These parcels contribute money to the park's maintenance and operations.

Comment 48: Elected officials need to work to get more money to build the park so that more amenities can be provided. (Bowe)

Response: Comment noted.

Comment 49: The capital cost to build the park is understated. The park either won't be finished or will be poorly constructed. \$150 million is not enough. You need to

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identify the capital costs and identify future funding sources. Fundraising will be needed. (Butzel, Peren, Thornton) Fundraising should be used so that a world class park can be constructed. (Whelan)

Response: Comment noted. The total public construction cost for the proposed park was estimated to be \$130 million dollars. Public funding would be provided by a number of sources, including New York State, New York City, and the Port Authority. Additional private investment is also anticipated.

Comment 50: A foundation to support the park can be started. (Charton) Public private partnerships should be pursued to supplement capital expenditure. (Wallach)

Response: Comment noted.

Comment 51: If the project is subject to FEMA escrow accounts then the \$200,000 a year for property and risk assurance is inadequate. Parts of the park not owned and managed by a State agency will not be exempt from FEMA requirements for an escrow payment for any structure in a floodplain. It is not clear if the financial information accounts for this. (Konheim)

Response: All of the land within Brooklyn Bridge Park is expected to remain within public ownership. Private developers will be required to have the appropriate level of insurance for their buildings.

Comment 52: We support a publicly-supported park, not a developable park. The self-supporting park with no government support is a new paradigm. The public deserves and needs parks and New York City does not have enough parkland. One percent of the city budget should be spent on parks. The new waterfront park in Manhattan receives more city funding and does not have to be self-sustaining. This is inequitable. (Berger, Brachman, Buxbaum, Cusack, Goodman, Griffin, Landes, Logan, Lowy, Stone)

Response: Comment noted.

Comment 53: An alternative to the development park is a park authority in which an independent entity floats bonds through a public referendum to build and maintain parks with no government aid. This model is used in Minneapolis/St. Paul. (Brachman)

Response: Comment noted. The MOU provides for a park supported by revenue generated on-site, not by an independent park authority.

Comment 54: Residential buildings provide the best footprint for the revenue and are the best option for revenue generation. (Burke, C. Fleming, Millman, Thornton) Residential use is compatible and appropriate and is the best means for covering

costs required by the MOU. Residential use will be a reliable source of money. The MOU says that as little development as possible should be built within funding constraints. The residential footprint is minimal. Big box would take up more space (Butzel, Connor, Griffin) Residential use with a medium-size hotel is the best fit. It preserves large open space and complements the neighborhood. (Markowitz) Limited development is necessary and should be developed to the minimal level necessary to generate required funds. (Nelson)

Response: Comment noted.

Comment 55: The process of development should be sequenced and monitored so that development is decreased if more revenue will be generated than needed to cover anticipated M&O costs. The process of development should be flexible. The M&O budget is based on current market values. The strong residential market may yield more revenue than projected and revenue from additional adjacent development sites may materialize. (Bystryn, CB2, Griffin, Janner, Koval, Markowitz, Talbot, Whelan) The dollar per foot value for residential use is undervalued so the residential development can be down-scaled. (Wallach)

Response: The current development program, based on the financial analysis, sets out a maximum envelope for development based on an assessment of market conditions in 2004. A competitive developer selection process will take place to determine the actual amount of development necessary to sustain the park. Based on market conditions, the development may be smaller than that which is set out in the current program.

Comment 56: A full maintenance budget including capital costs for the piers is needed so that the piers are not lost. The park should not depend on the government to maintain the piers. If they are not maintained the park will lose acreage. (Janner, Thornton) Maintenance and operations should be funded through the park itself. The park should not rely on city and state governments or the park will be at risk. (Millman) The maintenance and operations of the park will be costly. (Thomas)

Response: Comment noted. Appendix C contains the park's maintenance and operations budget.

Comment 57: The existing park is currently deteriorating as there is little M&O. The lawn is not watered and pier timbers wash on shore. The M&O budget should be dedicated to waterfront upkeep and require accountability from park keepers. (Leung)

Response: Comment noted.

Comment 58: Would the marina permits generate income for the park? (Campbell)

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The marina does not even put money back into the park. (Francis, Landes, Stone)

The revenue stream or franchise fees related to the marina are not detailed in the DEIS. This could offset the other development. (Bastian)

Boat owners should pay for access, maintenance and storage. (Bastian)

The marina would not generate significant revenue, would occupy too much land, and would require too much up-front cost. (Gamble, Stone)

There is no financial analysis for the marina. (Landes)

Dedicating any money to a commercial enterprise, such as a marina, takes funds away from the park itself and harms the park. (Stone)

Response: A marina is proposed for the water area between Piers 4 and 5. Its main purpose is to bring additional activity to the park and increase opportunities for in-water recreation. It is anticipated that the marina would be constructed and operated by a private operator, and therefore it is not included within the construction estimate. Therefore revenues from the marina were not relied upon by the project team in determining whether the park would be self-sustaining in the revenue analysis.

Comment 59: If the plan changes to include more active versus passive open space, the maintenance costs must be revised to reflect the change and cost differential for maintaining these types of spaces. Table 1-1 must be recalculated. (P. Fleming)

Response: There are no changes planned to the park plan that necessitate revisions in the maintenance and operations budget.

Comment 60: The financial data released by ESDC was made available without any general public notice and was fragments of data in an unintelligible format, in illegibly small print, for public inspection only under arduous circumstances. The data does not have supporting documents for major cost and revenue elements. (Konheim)

Response: Financial information for the maintenance and operations budget and revenue analysis for the proposed project and for the reduced density alternative was made available for review by members of the public on September 29, 2005, and is included as Appendix C of the FEIS. The availability of the information was publicized through letters written to all of the involved elected officials, Community Boards 2 and 6, neighborhood associations, and other community leaders, as well as through a notice posted on the website of the Brooklyn Bridge Park Development Corporation (www.empire.state.ny.us/bbpdcc). In addition, the public comment period was extended until November 2, 2005.

The revenue analysis contains the full set of assumptions and financial projections used by the planning team to determine the maximum size of a development program required to make the park self-sustaining. The expense budget contains detailed background information on the assumptions used to determine the costs of maintaining and operating the park.

Comment 61: The recently released March 2005 Marine Infrastructure Report raises several questions including the following:

The March 2005 Marine Infrastructure Report contains a different table describing Future Recurring Capital Expenditures than a figure currently being circulated by ESDC, except for the grand total. (Konheim)

Clarify if the \$33,279,000 needed for 2005-2007 is the same as the “nearly \$34 million” that the Port Authority reported on 12/23/2003 it was investing “to maintain the physical integrity of the piers in anticipation of the park’s future development.” (Konheim)

Clarify if the \$5+ million in one time improvements before the park’s scheduled 2012 completion the \$8 million in the Port Authority’s five year capital plan to “complete the state of good repair”? (Konheim)

Why has the largest cost item in the publicly issued figure, \$65.8 million for concrete encapsulation of timber piers, been reduced to \$15 million in the March 2005 report? Are they improperly listed as “Routine Maintenance” just because the expenditure is spread out over 12 years but after that doesn’t recur? (Konheim)

ESDC explains that the \$3.6 million average annual recurring cost is arrived at by dividing the \$157 million of total expenditures (initial capital and recurring) by 42 years. In fact, Figure 6.2 shows only \$12 million total recurring costs over 42 years or less than \$300,000 a year. (Konheim)

The March 2005 report refers to the “park’s master planning budget.” This is the kind of information that elected officials and concerned civic leaders have been unsuccessful in obtaining. (Konheim)

The information about the \$3.6 million for marine infrastructure maintenance on a single sheet without its backup was a misrepresentation of data. (Konheim)

Response: The March 2005 Maritime Infrastructure Report contains a table breaking down the cost of maintaining and improving the piers. A slightly modified table containing identical information but organized differently has also been publicly circulated.

The amounts budgeted in the early years of park construction and operations consist of both deferred and preventative maintenance, to ensure that the marine structures within the park are in the appropriate condition for public use. These

amounts would be funded from the maintenance budget for Brooklyn Bridge Park, and have not been otherwise provided for by any government agency.

With respect to the comment about the funds dedicated to timber pile encapsulation, the comment is erroneous. The March 2005 report lists \$65.8 million for concrete encapsulation of timber piles, which has not been reduced from any prior draft. The number of \$15 million is shown on page 1 of Table 6-2, but there are 2 pages to the table that total \$65.8 million. There are a total of 5 pile encapsulation items pertaining to Piers 2, 3, 5, and 6 that add up to \$65.8 million in both versions of the reports. All timber piles would need to be encapsulated within 15 years. The repair sequence would depend upon actual deterioration as determined by annual underwater inspections. The encapsulation is anticipated to extend the life cycle of the pile for approximately 30 years. Therefore, this recurring expense would occur beyond the time frame shown in Table 6-2. (Table 6-2 of the March 2005 report is included as Appendix D of this FEIS. Copies of the full report are available to the public at the FEIS viewing locations and upon request to the BBPDC.)

The maintenance and operations budget for Brooklyn Bridge Park, including the \$3.6 million annual cost estimate for maintaining the existing and proposed marine structures in the park, has been prepared in accordance with New York City Comptroller Guidelines with respect to the allocation of capital and maintenance items. As discussed above, the maintenance budget includes both deferred and preventative maintenance necessary for this waterfront park to be used safely by park visitors.

Financial information for the maintenance and operations budget and revenue analysis for the proposed project and for the reduced density alternative was made available for review by members of the public on September 29, 2005, and is included as Appendix C of the FEIS.

The numbers provided in the March 2005 Maritime Infrastructure Report are based on an independent analysis by the preparers of the report.

Comment 62: Page S-8 states that the budget of \$15.2 million excludes costs for major structural repairs, which would be handled through a maintenance reserve. Yet, the operating budget does include capital maintenance, indicating that the annual budget will include costs to repair the piers. (Landes)

Response: The definitions of capital and maintenance costs used to determine the maintenance and operations budget are based on the definitions set forth in Section 4.3 of the New York City Office of the Comptroller Internal Control and Accountability Directive 10 (Betterments and Upgrades to Capital Assets). That section defines ineligible capital costs as being those pertaining to “preventative maintenance.”

Comment 63: There is no requirement that all funds necessary to sustain the project be generated in the physical confines of the project or be new enterprises. Page S-8 says that the park “must be funded through revenue generated within the park.” The MOU says that commercial uses may occur within the project area, not must. There was no study of revenue sources outside the park boundaries. (Francis, Landes)

Response: The MOU provides funding for the capital construction cost of the park. Maintenance and operations are required to be funded through revenues generated by development within the Project area. The proposed development program for Brooklyn Bridge Park maximizes the revenues generated to support park maintenance and operations on the minimum footprint, so that the largest amount of area may be devoted to parkland. This is possible since public ownership of the land allows for an upfront payment to be made by private developers for the right to lease the land for 99 years. Outside of the park boundaries, these arrangements would not be feasible since the Brooklyn Bridge Park would not be entitled to these payments.

Comment 64: The revenue plan contains no information on the cost of wave attenuators. (Goodman)

Response: The capital construction cost for Brooklyn Bridge Park is estimated to be approximately \$130 million including marine structures, such as wave attenuators. Wave attenuators are a small component of the overall budget.

Comment 65: More information is needed to explain the \$388,000 figure for water clean up, not including for the marina. (Goodman)

Response: The total estimated cost of maintaining the safe water areas in the proposed park—which do not include the marina that is expected to be built out and operated by a private operator—is estimated at approximately \$400,000 a year, as described in more detail in the maintenance and operations budget attached as Appendix C of the FEIS. The budget provides an estimate of the labor, equipment and material costs required for maintaining the water areas.

Comment 66: PILOTS have oversight problems. This type of financing for the park should not be approved. (Van Slyke)

Response: Comment noted.

Comment 67: Why should developers who build for profit be exempt from New York City real estate taxes if the land is not dedicated parkland? (M. Adams)

There are no special subsidies or exemptions for the development of 360 Furman Street. (Levine)

Response: PILOTS enable payments that would otherwise be made in the form of taxes to instead be dedicated to funding park maintenance and operations. Thus, the development will directly support park maintenance and operations. While there will be an exemption from real estate taxes for those who build in the boundaries of the park, the payments made in lieu of real estate taxes will be in the amount of full taxes. In other words no tax breaks are contemplated other than what is available as-of-right at other locations.

Comment 68: User fees should be imposed on all parking within the park. (Hahn)

Response: User fees are expected to be imposed on parking within the park

Comment 69: An independent study should be done on the financial plan for the park. (Francis)

Response: Comment noted.

PROJECT DEFINITION

Current Plan Design and Suggested Improvements

Comment 70: The park plan encourages and promotes automobiles and parking. (Gruneberg)

Response: The park is intended to provide for its anticipated demand, but does not encourage auto use. The EIS fully analyzes the potential vehicular traffic and parking impacts of the proposed project.

Comment 71: The carousel donation is not needed. (Cato, Wallach)

Response: Comment noted.

Comment 72: The plan should be modified to account for the effects of traffic and noise. (Ciaccio)

Response: Impacts of the proposed project related to traffic and noise are analyzed in Chapters 14 and 17 of the EIS.

Comment 73: Wayfinding measures should be included. Signs should be placed on Court Street, Atlantic Avenue, Cadman Plaza, and Adams Street and Flatbush Avenue. (Talbot)

Response: A program of wayfinding measures will be incorporated as part of the final project design.

Comment 74: Integrate the design and activities with the history of the borough and waterfront to attract tourists. (Rubin)

Response: As described in Chapter 1, “Project Description,” of the EIS one of the project’s purpose and needs is to acknowledge the key role this segment of waterfront has played in New York’s history and to preserve its historic resources. The park plan is designed to integrate the waterfront history, in part through the retention of the two existing edge types (constructed bulkhead and riprap) as useful remnants of the site’s history, the reuse of existing pier structures that were a part of the site’s industrial history, and the adaptive reuse of the historic Empire Stores buildings.

Comment 75: It would be inspiring to see BBP exemplify planning and construction informed by an enlightened policy for energy transformation. The hotel should use solar applications, including solar cooking. Retrofitted buildings should use sustainable energy. (Campbell)

Response: As described in Chapter 1, “Project Description” of the EIS, the park design has as a goal the use of renewable energy technology in meeting the park’s energy needs. Photovoltaic cells are included in the proposed project, and these would be integrated into a number of park structures.

Comment 76: Adopt performance guidelines to guide design, construction, landscape maintenance, and operations and management. There should be targets for construction and operations related to clean air and water and energy efficiency. (Bicek) Design standards must be used to ensure the best mix of development. (Bowe, Thornton) The RFPs should contain sustainability requirements for private developers. The project should incorporate sustainable infrastructure, and green building techniques and standards. (Whelan) A review process merely as an adjunct to the consideration of new projects cannot take the place of design principles and initiatives that improve the urban environment directly. (Campbell) The project should commit to incorporating green building design measures into the residential and commercial developments that address energy, air and water issues and should meet the U.S. Green Building Council’s LEED Silver Standard. (Nelson)

Response: It is contemplated that the RFP’s for the project will include design guidelines and that the buildings will incorporate sustainable design and green building technologies. In addition, one of the principal objectives of the park design is environmental sustainability.

Comment 77: The design process should be open before issuance of RFPs. Design sessions should be not confined to CAC meetings but be charrettes. Design guidelines should be developed with community input to assure architectural quality prior to the RFP process. (Nelson, Simonie, VanderPutten) The public should be informed and consulted on the developers’ proposals. (Thornton)

Response: Comment noted.

Brooklyn Bridge Park FEIS

Comment 78: Too much park space is usurped by development. (Zimiles)

Response: As demonstrated throughout the EIS the amount of development is the minimum amount required to meet the park's financial requirements.

Comment 79: The EIS is designed to consider the maximum development that could potentially be built, not the ideal design. (Thomas)

The plan shows a maximum build envelope. There is no requirement to build it all. It is a regulatory framework for development. (K. Adams)

Response: Comment noted. The EIS analyzes the maximum development envelope deemed necessary to support maintenance and operations of the park. If it is determined during the RFP process that less development is needed to support the park's maintenance and operations, then less development will be incorporated into the final park plan.

Comment 80: Only the number of residential units or development necessary to meet the revenue requirements and pay for ongoing maintenance should be built. (Brookhart, Markowitz, Thornton)

Response: As described in the response to the comment above, only the development needed to support the park, as determined by the RFP process, would be developed.

Comment 81: Go-Kart Tracks generate income from a number of income streams and a track would fit well in the undeveloped portion of the park on 1.5 acres of land. It could generate \$2 million per year at 25 percent capacity. The carts would be safe and non-polluting. The associated clubhouse would contain a restaurant and meeting room. (Tener)

Response: A Go-Kart Track is not proposed as part of the project.

Comment 82: The Department of General Services garage should be included in the plan as mitigation for traffic and parking issues and as an additional revenue source. (Simonie, VanderPutten)

Response: In consultation with City agencies, including the New York Police Department, it was determined that this structure was inappropriate to serve as a public parking garage due to security concerns related to its proximity to the Brooklyn Bridge anchorage. The cost of re-locating the NYPD fleet currently served by this facility was also deemed to be prohibitively expensive by City agencies.

Comment 83: Portions of 360 Furman Street could be reused as an educational/marine research center. Its edges should be opened up and it should be used for clean energy production. It could be optimized for indoor recreation. (Campbell)

Response: 360 Furman Street is a privately owned building. The owner of 360 Furman Street intends to use the base of the building for retail use and the balance for residential use.

Comment 84: 360 Furman Street should be demolished. (Charton)

Response: Comment noted.

Comment 85: The greenway is needed to link the park to the rest of the Brooklyn waterfront and surrounding neighborhoods. The waterfront Greenway is not reflected in the DEIS. The greenway needs to be off-street and be an active use path running through the length of the park. The bikeway needs to be of a consistent high quality. It needs to have sufficient volume to meet recreational demand and demand will grow dramatically as development increases. The Greenway will be a connector in a larger waterfront open space system. Off-street venues for walking, jogging, rollerblading and cycling are needed. It should connect to the off-street greenway network and the on-street bike lane network. Design the greenway with runners in mind. (Bicek, CB 2, Gottlieb, McClure, Puryear, Snetman, Talbot, Whelan)

A bikeway/and pedestrian route should be in the park and the FEIS needs to show the plan and assess it in a comprehensive way. Circulation diagrams showing the route of the bikeway must be included. The FEIS needs to show that the bikeways are integrated in the interior of the park. It should be along the water not along Furman Street. Furman Street is not wide enough to accommodate a two-way bikeway. North of Fulton Ferry landing the path needs to be in the park. Two-way bikes on Water Street would require physical separation from traffic and a dedication of a portion of the roadbed thereby reducing vehicular capacity. The cobblestone on Water Street is not appropriate for bikes. Main Street could provide some capacity between Water and Plymouth Streets. Plymouth Street is also cobblestone and could not accommodate a bikeway in the right of way. The parks on Plymouth should be modified to accommodate bike connections. Outboard segments should be considered. John Street is too narrow and important for vehicular circulation. The path should run on the John Street site. The bike path along John Street would keep the park more public. (Griffin, Puryear, Konheim)

The Northern Greenway connection should connect at the north end of the Con Edison lot via a decking structure over a portion of the slip to the Jay Street street end. It will continue east on John Street. This would pose the fewest conflicts with future development activity. (Puryear)

The DEIS shows that north of Fulton Ferry Landing the bikeway lies outside of the park. While space constraints may make it difficult to place the bikeway in the park here, park designers should do so wherever possible to locate it within

the park. Where not possible the route should be chosen to accommodate the anticipated number of bikes in a safe route that closely hugs the park. (Griffin)

Response: A circulation plan showing the anticipated location of the bike path has been added to Figures 1-2 to 1-4 of the FEIS. The bikeway design within the park reflects the path detailed in the Greenway Initiative Plan's entitled *Draft Conceptual Plan, Brooklyn Waterfront Greenway, December 7, 2004*, which was provided to park designers. The design team has met with the Greenway Initiative numerous times regarding the location of the bike path within the park. Requests have been made to relocate the bike path to the interior of the park north of Pier 1. This is not possible because of pinch points and the pedestrian/vehicular/and bicycle conflicts that would arise due to lack of park width at that location.

Comment 86: State of the art bicycle facilities, including parking, rental, lockers and service stations, should be included in the plan to encourage recreational and commuter cycling in the park. (Whelan)

Response: Comment noted. Facilities for parking bicycles would be provided in the park.

Comment 87: A ferry terminal should be provided at Atlantic Avenue with accessory commercial activity. This could be a transportation hub with links to the Greenway, and bus or trolley loops and bicycle parking. (Balboza, Markowitz, Van Slyke, Velazquez)

Response: Comment noted.

Comment 88: Vehicular access to the park interior should be limited to park service and supply vehicles, not residents, guests, or visitors. Tour buses and limousines should be directed to special discharge and parking areas not near the entrances. Residences should be accessed via cul du sacs not on through streets. (VanderPutten)

Response: Chapter 1, "Project Description," provides the vehicular circulation plan for the proposed project. Roads serving the development uses would separate such uses from the recreational elements of the park. Vehicular roads would also provide access to parking lots serving the parks recreational uses.

Comment 89: The FEIS should include plans and schedules for park security, beyond the offered rough draft of patrol hours. (CB2) Study and create a public safety and catastrophic evacuation plan. (CB2)

Response: Comment noted. Safety and security plans will be developed for the park. However, details of such plans are outside the scope of the EIS and would not alter the impact analyses in the EIS.

Comment 90: The design plan should include locations for educational and cultural activities, not just assurances that such activities could take place in park buildings. There should be an amphitheater or performance space. (CB2, Fort Greene, Rubin, Siegel)

Event space should be part of the park plan. Spaces should be designed to accommodate audiences of various sizes. (Whelan) The locations for large outdoor public performances should be identified. (Thornton)

Response: Figure 1-4 of the DEIS identified a “public gathering/outdoor performance lawn” at Pier 1.

Comment 91: The plan includes sand dunes that consume 5 acres. This is not the best use of the space. (Fort Greene)

Response: Pier 6 will include an area of approximately 1.7 acres of herbaceous and shrub plantings that will provide opportunities for nature education and create wind breaks for the lawn, beach and playground areas. The majority of Pier 6 will include lawn areas that provide a mix of active and passive recreation activities such as playing sports, running, and lounging in the sun or shade, additionally we have planned a beach, sand volleyball courts, and a playground and park welcome center or “warming hut.” The north side of Pier 6 will allow for historic boat mooring and an approximately 30’ wide water’s edge promenade will allow access around the entire pier edge.

Waterfront Access/On-Water Uses

Comment 92: Waterfront recreational space for Floating the Apple should be included. (Wolfe) A boathouse for storage and marine education should be included. (Coveleski) Non-profit grassroots kayaking can be incorporated. (Sobanski)

Response: Comment noted.

Comment 93: Currently, although potentially against park regulations, kayaks can be landed beneath the Brooklyn Bridge. This access should not be affected. (Vojtisek-Lom)

Response: There is currently no access for kayaks or other boats to land beneath the Brooklyn Bridge. There is access under the Manhattan Bridge where there is an existing beach at the City park. The proposed project will not affect this landing.

Comment 94: How would the marina slips be allotted? Would the marina have boats for public use? Will it be reserved for Brooklynites? (Campbell, Landes)

The marina will serve a limited number of people. (Stone)

Brooklyn Bridge Park FEIS

Response: The marina has not yet been designed, nor has a plan for allocation of slips been developed.

Comment 95: Where is the demand for the marina coming from? (Landes)

Response: A marina is an appropriate use for a waterfront park. A marina has been an element in the park plan since the 2000 Illustrative Master Plan.

Comment 96: The walkways and wave attenuators would interfere with boat use of a navigable waterway and would restrict access to the public waters along the park. The attenuators would block kayakers from other parts of the harbor from paddling along some of the park edge. (Johnson, Sobanski)

Response: The proposed walkways and wave attenuators would not obstruct navigation in this area. Access to the East River would be provided from the marina between Piers 4 and 5 and non-motorized boats destined for the East River could launch from the beach at Pier 4.

Comment 97: Motorized boats pose a danger to swimmers and people using hand-powered paddlecraft. (Vojtisek-Lom)

Response: A plan will be developed to address safety issues related to in-water recreational activities. The park would not provide any facilities for swimming.

Comment 98: If the Pier 1 pile field is retained, it will have to be safely separated from kayakers. The outside piles should be made visible at high tide. (Gamble)

Response: The pile field will be separated from waters used by non-motorized watercraft. The design team is investigating ways to provide this separation, such as with safe water booms, and such measures will be part of the project's final design.

Comment 99: The Pier 6 site should be retained for maritime vessel usage. (Armer) Historic and educational vessels should be docked in the park as they provide a link to the waterfront and can provide programming as an interim use. (Sharps)

Response: As shown in Chapter 1, "Project Description," the eastern edge of Pier 6 is planned to be used for mooring historic boats.

Comment 100: The prior version of the marina was only for 50 slips between Piers 1 and 2. This would have required little upland area and would not have obstructed pedestrian traffic. The new marina requires barriers between the kayaking and the bay and additional upland area at substantial cost (Ehrlich).

The marina requires upland area for equipment to haul boats for shipment, holding area for pickups, sanitary and servicing facilities, roadway and staging

area for fuel trucks. This will impede the pedestrian entrance path and thus will affect the entrance and will take space that could be used by venues that were eliminated from the park. (Ehrlich, Landes, Stone)

Response: Locating the marina at Pier 1 was considered by the design team. Water in the vicinity of Pier 1 is turbulent and through natural processes sediment is deposited on the south side of Pier 1. The design team determined that the naturally filling area was better suited for habitat and the marina was relocated to the area between Piers 4 and 5, where the flow of the river was better suited for a marina use. The only upland facilities related to the marina to be provided as part of the park plan would be hook-ups for utilities, which could be accessed from Montague Street and would not impede pedestrian access and circulation within the park. The upland utility hook-ups would not interfere with pedestrian circulation. There would be no boat yard or repair facilities associated with the marina within the park uplands. The park would provide access to both safe water zones and the East River for non-motorized watercraft.

Comment 101: Wave attenuators are expensive and not necessary to create a protected area. Protective programs for kayakers are run in Gowanus and Red Hook as well as on the Hudson River without them. The piers will provide the necessary shelter from the current. (Charton, Gamble, Gruneberg, Konheim, Sobanski, Stone, Vojtisek-Lom) Parts of piers 1-3 should not be destroyed to enable wave attenuators. (Konheim) If the attenuators are retained there needs to be an opening between Piers 1 and 2 so boaters can directly access the river without going to Pier 4. Having a way to get back to the launch site directly is important for safety. (Gamble)

Response: The Brooklyn Bridge Park site does not have the same wave conditions or shelter as other sites that provide access for kayakers within New York City. Brooklyn Bridge Park is likely to experience larger wakes than the Gowanus Canal, the Red Hook area, or the Hudson River, due to its lack of shelter and/or its proximity to vessel traffic. For comparative purposes, field studies conducted in 2002 along the Hudson River in the vicinity of Weehawken, New Jersey, determined maximum recorded wave heights of 20 to 22 inches, or just less than 2.0 feet. The largest wave height recorded at the Brooklyn Bridge Park of 3.94 feet is significantly more than those in this study. Further, in addition to creating safe conditions for non-motorized watercraft, wave attenuators are designed to enhance the viability of the planted shoreline and to provide for safe conditions for boat mooring.

In addition to access to the East River at Pier 4, in an emergency, kayakers can access the floating boardwalks south of Pier 2. An entry is not provided between Piers 1 and 2 because water between Piers 1 and 2 is turbulent and the bend in the river at this location causes visibility to be impaired. Portions of Piers 1 and 2 will not be torn down to provide access to the East River.

Comment 102: The protected separation channels between Piers 2 and 3 and the shore are not required for kayaking programs. If retained, the bridge must support a clearance of 6 feet at high tide. Channels must be at least 30 feet wide for the safety of beginning kayakers, to avoid them kayaking under piers. (Gamble).

Response: The boating channels will provide kayakers with a safe environment separated from the East River in which to paddle along the shoreline and experience the park from the water's edge. The kayaking channel is approximately 60 feet wide and will provide sufficient clearance from the piers. Head clearance would be 5 feet at high water.

Comment 103: The marine structures, such as piers, should be maintained. (Deutsch)

Response: The park is designed around the functional piers, which will provide waterfront recreational space and public access to the water's edge. The piers will be maintained so that they remain accessible to the public.

Comment 104: Boat facilities attract people and should be maximized. This includes facilities for day sailors and not just high-priced marina users. (Butzel) Free kayak, canoe, and rowboat launches need to remain a part of the plan. We need the on-water access portions of the park plan. The water access needs to be free and available to all residents. Canoe and kayak storage, educational opportunities, and lighting for landings should be provided. Ramps are needed to provide on-water access. Boating opportunities along the waterfront should be expanded. (Coveleski, Foote, Krolik, Sobanski, Stanley, Vojtisek-Lom) For kayaking access, a low-height dock floating on water is preferred to a ramp. (Vojtisek-Lom)

To improve safety on the East River, more spots to land are needed in Brooklyn. Landing spots are needed at Atlantic Avenue, at the piers, and at a spot north of a cove. The city should provide appropriate access on the waterfront for public safety. (Foote, Stanley)

Response: As shown in Figures 1-2 to 1-4 of the FEIS, the park plan provides numerous opportunities for public access to the water. There would be opportunities for the use of non-motorized boats, including kayaks, along the waterfront, which would be free and open to the public. Non-motorized watercraft would launch from the beach at Pier 4. This area would be lighted.

Comment 105: Maritime educational opportunities need to be part of the plan. This includes handboat storage and paddle and oar instruction and amenities for historic vessel landing and environmental education. (Foote)

Response: Comment noted. It is anticipated that educational programming would be provided at the park.

Comment 106: Figure 1-5 of the DEIS, is a questionable representation of the proposed action. As measured from mean sea level, the approximate elevation of the piers is about five feet. If the walkway along the boating channel represented in the figure were floating on water, and the elevations for the piers is correct, the pier would come to the approximate eye level of the people standing on the floating walkway. (Janes)

Response: The comment is incorrect. As the walkways float on the surface of the water, the eye level with respect to fixed structures changes with the tide. The rendering depicts the walkways at Mean Low Water Level (low tide), which according to the Brooklyn Bridge Highway Datum, is about -3.93'. The average elevation of the pier decks is +7.20'. Therefore the pier deck in this drawing is approximately 11 feet above the water level. A person's eye level on this floating walkway would always be below the elevation of the pier deck. (See Appendix E for illustrative diagrams.)

Recreational Facilities

Comment 107: As the design of the piers continues to evolve, maintain the spirit and substance of lawns and passive open space shown in the DEIS. The new designs for Piers 2 and 3 contain more covered and open athletic fields. Approximately 380,000 sf of greenscape on the piers in the DEIS design is now hard surface. If these changes to the design are made, the figures must reflect the changes and the ratios showing acres of active and passive open space must be updated. (P. Fleming)

Response: Figures 1-2 to 1-4 of the Project Description show the updated park design that is assessed in the FEIS.

Comment 108: More active indoor and outdoor and year-round recreational amenities uses are needed in the park. Space should be reserved for future indoor uses. There needs to be space for non-organized and organized activity. (Bowe, CB2, Connor, Defense Fund, Francis, Fort Greene, Janner, Markowitz, Millman, Rubin, Siegel, Thornton, T10, Velazquez, Yassky)

There needs to be a broad mix of activities (CB2, DeBlasio)

There will be few recreational opportunities. A park with opportunities for low cost active and passive recreation is needed. (Van Slyke)

Shorter buildings should be built for soccer. (K. Adams)

The plan includes only a playground in D.U.M.B.O. and a kayaking area for recreation. (Lowy)

More locally-supported recreational uses would be better. (Armer)

The park does not include a range of recreational activities as stated on page S-2. Kayaking and a marina do not constitute a range. (Landes)

Response: Chapter 1, “Project Description” details the mix of active and passive recreational uses that would be provided at the park. Many of the park’s recreational facilities are intended to be locally-oriented and to meet various community needs year-round. Recreational facilities are anticipated to be free to the public. As described in the Project Description of the EIS, it is contemplated that the field at the western edge of Pier 5 could be housed in an indoor structure, which would provide year-round sports courts.

Comment 109: The plan does not include the recreational facilities that the community planned for. (Armer, Fort Greene, Siegel, Stone)

There should be a recreation program including swimming and ice skating, or space should be reserved for these uses. (Defense Fund, Francis, Pitsch, Thornton)

The park no longer includes the recreation center, swimming pool, ice skating, amphitheater, waterside cafes and restaurants, jitney bus, active recreation at the north end, and tennis. The people have not asked for residential development, a revenue neutral yacht basin, a safe water area with wave attenuation, water level platforms, pier reconstruction, private police force, life guards, a dune landscape, and a new street to cross. This is bait and switch. (M. Maurer, Sloane)

Response: As described in Chapter 1, “Project Description,” the park design has evolved from the master planning process, to the design shown in the FEIS. The chapter also describes the reasons for elimination of certain recreational elements from earlier conceptual plans. The park design will continue to be modified as the project enters the final design stage. A small number of the recreational facilities, contained in earlier conceptual plans for the park, most of which were of a “pay to play” nature, are no longer part of the current park design. As explained in Chapter 1, an ice hockey facility and an Olympic-sized swimming pool are no longer part of the project plan because they would have required government subsidy and would not generate sufficient revenue for the park. These uses were eliminated as infeasible. In addition, since conceptual planning of the park began a nominal fee-based public pool has been built in the vicinity of the project area, at Court Street and Atlantic Avenue, a more central location from which to serve the local population. The park plan still includes restaurants and includes more space for active and passive recreation than did the 2000 Illustrative Master Plan, including three tennis courts on the roof of a Pier 1 building.

Comment 110: Augment the playgrounds with an additional playground in the middle of the park. (Hahn)

Response: Comment noted. Two playgrounds are located near the north and south entrances to the park. A third playground, outside the park, is located at Squibb Park, which is accessible via a pedestrian bridge.

Comment 111: It is not true that a pool or ice skating rink would require a government subsidy. Commercial sports facilities charge fees and generate significant revenue. Public facilities charging lesser fees could generate revenue. This should be studied in the EIS. (Landes)

Response: The 2000 Illustrative Master Plan contemplated an indoor recreation facility, to be built within the pier shed on Pier 5. The financial analysis that accompanied the plan assumed that the cost of the recreation facility would be generated from private sources, and additional revenues above capital costs would be available to fund park maintenance.

Further study performed by members of the park design team concluded that the cost of building a recreation facility such as the one contemplated in the Illustrative Plan would be substantially higher than estimated, and that revenues from a private operator would not be sufficient to support these costs, or to contribute additional revenues to the park.

Comment 112: The EIS should assess future park elements, such as a swimming pool, so that if funds become available no additional environmental review is needed. (CB2)

Response: Given the proximity of a new indoor swimming pool, which is open to the public in the immediate vicinity of the project site, it is not expected that a swimming pool will be incorporated into future design plans for the park.

Residential Development

Comment 113: Housing is not a compatible use with revenue generators that the community uses. Appropriate revenue generating development is that in which the public can participate. Housing is not on the same footing as restaurants, stores, hotels, and boating, as the residences are only open to the residents. (Campbell, Konheim, Landes) No luxury residential uses should be in the park. It will create conflicts with park users, require additional space to serve other park usage to serve the residents and will have associated unpark-like activities. (Baer, Balboza, Charton, Francis, Goodman, Keith-Jones)

The plan needs to be reconfigured. It should not rely on luxury housing. (Goodman) High rise buildings and yachts are not what the public needs. (Siegel)

The plan is a landscaped real estate development not a park. (Bickerstaff, M. Charton, Defense Fund, Francis, Fitzsimons, Landes, Manheim, Siegel, Sloane, tone 121Tree) We want a real public park not one with residences. (Lawrence)

Response: The proposed project entails the reuse of the deteriorated East River waterfront for the creation of a major waterfront park for the public benefit. The facilities provided by the project would be primarily public park, in accordance with the project goal of maximizing dedicated park land and open space. Approximately 8 acres of development support the 85 acre park. The park would feature a variety of traditional passive and active recreational facilities and the vast majority of its area would be open to the public, without fee, in accordance with typical state and city park operations.

In addition, Chapter 1, "Project Description", of the FEIS includes a discussion of proposed means to support park maintenance and operation, in accordance with the MOU. Further, the Project Description explains the planning process for developing the park components. As described in that chapter, during the process of developing the proposed program a range of land uses was considered for revenue generation and were tested against three major criteria: feasibility, compatibility with park uses, and the ability to maximize parkland while creating the necessary income stream for park maintenance and operation. Other uses explored were determined to not be feasible or meet the park's needs. Hotel and residential uses were found to be feasible, compatible with park use, and consistent with maximizing parkland. In addition, these uses could support the maintenance and operations of the park as required by the MOU.

Comment 114: Residential use would provide eyes on the park and constant activity on the periphery. (Burke, Griffin, Thornton) The residential and recreational uses will make the park a 24/7 community increasing safety and activity. (Wiltshire)

Response: Comment noted.

Comment 115: Residential uses would not provide eyes and ears for the park. They will not have the sightlines available from the Promenade and other occupied buildings and will have closed windows with air conditioning. (Campbell) This is a distortion of Jane Jacob's planning principle for low rise residences. Further the traffic chapter indicates that of walk-trips in the midday peak hour only 57 would be by residents and they would not be within the park. (Konheim)

Response: The presence of a residential population at the park would increase activity on-site, thereby increasing the number of people viewing park areas.

Comment 116: The real estate is overscaled and density needs to be reduced. There is too much residential development and the acreage of residential use should be limited.

(Armer, Bowe, Hillis, Millman, Rifkin, Stroom, Yassky) The residential buildings consume too much parkland for internal roads and parking. (Merz)

Response: The residential development proposed for the park is limited to a small portion of the park area and is designed to meet the estimated maintenance and operations needs detailed in Appendix C of the FEIS. Park roadways would serve both the park and residential uses and parking would be on a shared basis. In addition, as described above, if it is determined during the RFP process that less development is needed to support the park's maintenance and operations, then less development will be built.

Comment 117: Effort should be made to decrease the height of the residential buildings and bulk could be redistributed. (Butzel, Rifkin) The Pier 6 buildings are too tall. The Pier 6 buildings should be decreased in height to 20 stories. This can be done within budget constraints with other ways to achieve the necessary revenue. They must fit into the neighborhood context and be in scale with surrounding buildings. The height of the John Street building should also be reduced. (Simonie, Connor, DeBlasio, Hahn, Markowitz, Millman, Padgitt, Rubin, Thornton, Velazquez, Yassky)

Language in a transfer agreement should limit the mass and height of development components. (VanderPutten)

Response: Chapters 8, "Urban Design" and 9, "Neighborhood Character," assess the potential impacts to urban design from the park plan, including the height of the proposed buildings. The chapter concludes that the proposed buildings are not expected to result in significant adverse urban design impacts. The proposed development program sets out a maximum envelope for development. If it is determined during the RFP process that less development is needed to support the park's maintenance and operations, then less development will be built. With respect to the comment concerning the reduction in height of the building on Pier 6, refer to the response to Comment 41.

Comment 118: The housing would be subject to marginally unacceptable or clearly unacceptable noise. You should not put housing in an undesirable location next to the Brooklyn-Queens Expressway. (Campbell)

Response: As described in Chapter 17, "Noise," residential buildings developed as part of the proposed project would include the level of noise attenuation necessary to achieve interior noise levels of 45 dBA or lower, which is considered the margin of acceptable interior noise levels pursuant to the *CEQR Technical Manual*.

Comment 119: The Brooklyn-Queens Expressway will need to be rebuilt within 10 years and will require a temporary roadway. The residential buildings will be too close and will need to be displaced or the noise will create a poor quality of life. The

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temporary roadway could be built through the housing sites and noise berms. (Gualiteri, Konheim, Ketcham)

Response: The New York State Department of Transportation (“NYSDOT”) is planning renovations to the Brooklyn-Queens Expressway, including that portion of the Brooklyn-Queens Expressway running parallel to the proposed project site. Such planning is in its early stages and would require the completion of environmental review and design processes, including the preparation of an environmental impact statement, prior to the commencement of highway construction work. It is anticipated that no highway renovation work would commence until after the construction of Brooklyn Bridge Park is completed, i.e., sometime after 2012, and therefore that there would be no overlap between the construction periods for the two projects. Planning for Brooklyn Bridge Park takes into account both the temporary and permanent structures related to the renovations as currently contemplated by the NYSDOT. The construction of Brooklyn Bridge Park will be coordinated to insure that the two projects do not conflict with one another.

Comment 120: Residential use should be consolidated at both ends to maximize the space of the park. (Pitsch)

Residential uses must be distributed fairly or eliminated. (Armer) Residential density should be diffused to keep the revenue but reduce impacts. (Millman)

Response: The park planners agree that the housing should be kept to the edges of the park and that every adjacent neighborhood should have some development. That is why the plan proposes housing for D.U.M.B.O., the uplands of Pier 1 at Old Fulton Street and the uplands of Pier 6 at Atlantic Avenue. This distribution allows the uses to be diffused throughout the park, concentrated near the gateways so that recreational park space can be maximized, and doesn’t burden one community with all the development at the expense of another community having no development.

Comment 121: The best use for 360 Furman Street is mixed use residential with limited commercial development. Reuse of the 360 Furman Street building will provide eyes on the park. The plan for 360 Furman Street eliminates the potential for big box retail, warehouse or industrial uses at the site. (Levine)

Response: Comment noted.

Comment 122: The Con Edison parcel should remain as open space. Residential use should be provided elsewhere in D.U.M.B.O in lieu of this site. (Brachman, Markowitz, Millman, Velazquez) Consolidated Edison’s intent was to give the John Street site to the community as open space as restitution for the impact of the Boiler 100 Power Plant on the community. The parcel was given to the community as

open space and the community worked hard to get the parcel. It was not intended to be a development parcel. It should not be used for residential development. The use of the site for housing violates the 13 principles and the agreement with Consolidated Edison. The site is so small that the open space would be a backyard for the residential building. (Brookhart, Eichorn, Hillis, Konheim, Lawrence, Lowy, Ryan, Siegel, Stone, Whelan, Velazquez)

Response: The residential development proposed for the Con Edison Parcel (the “John Street site”) is necessary to meet the financial needs of the park. Absent its revenue, the on-going operations of the park would not be financially sustainable. Of the 1.75 acre John Street site, only 0.22 acres (or less than 15 percent) is occupied by the building footprint, thus the site is primarily dedicated to open space. More importantly, the John Street site is part of the Brooklyn Bridge Park, an 85 acre project, of which approximately ten percent would be devoted to revenue generating uses. In this light, the fact that the John Street site is not being used for public recreation is more than outweighed by the aggregate contribution to public recreation made by the overall park plan, which represents an unprecedented addition to the open space resources serving the neighboring communities, including D.U.M.B.O. As described in a previous response and in Chapter 1 of the EIS, alternative locations for revenue generating uses are constrained due to view plane and viewshed restrictions as well as the need to be accessible, and thus are concentrated near the park gateways.

With respect to consistency with the 13 principles, the park continues to generally follow these guidelines. As explained in Chapter 1, “Project Description”, the planning process for the revenue generating aspects of the park determined that residential use was the most viable and preferable use. It could be accommodated in a relatively small footprint, was active throughout the week, would help link the park to the community, and had a market demand that was consistent with the revenue needs of the park.

Comment 123: If residential development provides more revenue per square foot than other uses, decrease the hotel size to reduce overall mass of the project without affecting economics. (VanderPutten) Replace the hotel with residential use to decrease the mass of the development. (Wallach)

Response: The BBPDC has committed to reducing the size of the proposed development program should market conditions allow for it to do so. A competitive developer selection process will determine the fair market value of the proposed development sites, and therefore the amount of development needed to fund the park's maintenance and operation budget. The proposed development program sets out a maximum envelope for development.

The BBPDC will assure that proposals for development that are accepted are for high-quality development that contributes to park life and ensures high quality

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architecture, as well as helping to ensure that Brooklyn Bridge Park remains a self-sufficient, first-class park.

As detailed in the revenue analysis attached as Appendix C of the FEIS, the proposed hotel development on Pier 1 is projected to deliver approximately the same revenue to the park per square foot as the residential units proposed for Pier 1.

Comment 124: Reductions in planned development should be equitably distributed among the three development areas. (Simonie, VanderPutten, Wallach) It should be mandated that any changes in commercial mass due to changes in economics be allocated equally across all three sites. (VanderPutten)

Response: Comment noted.

Comment 125: Sports facilities must have restrooms, changing, and possibly shower facilities. (Hahn)

Response: Comment noted. Public restrooms would be provided in the park. The locations of restrooms has not yet been determined.

Comment 126: The park should be a dog-free environment. (Hahn)

Response: Like most public parks, it is anticipated that dogs on a leash will be permitted in sections of the park.

Purchase Building

Comment 127: The Purchase Building should be adaptively reused and can generate revenue. It could be reused as offices, restaurant, commissary, shops, museum, visitor's center or concession. The Purchase building should not be demolished. The art deco entrance should be preserved. The FEIS should study the adaptive reuse of the structure in whole or in part. (M. Adams, Campbell, Cato, Eichorn, Hahn, Markowitz, Pitsch, Ryan, Tolbert, Thornton, VanderPutten, Velazquez, Whetten) The Purchase Building has tourist appeal. (Ryan) The building should not be torn down for a vanity carousel. (Ryan) The demolition of the Purchase Building EIS should be considered a significant adverse impact and mitigation should be provided. (Kersavage)

There is no reason to believe that options other than demolition of the Purchase Building were considered. Demolition was announced before the Landmarks Preservation Commission (LPC) had a hearing to consider the proposal. A disservice was done to LPC by not providing opportunity for approval. (Tolbert, Thornton)

Aesthetic and access concerns stated do not justify the Purchase Building demolition. The DEIS assertions of "broad vistas" used to justify and dismiss

the demolition of a historic district building are highly arguable. The claim that the “Building acts as a powerful barrier to unifying the northern and southern sections of the proposed park” is equally questionable pointing to other structures within the project area that could, by this definition, divide sections of the park yet are not slated for demolition. (Tolbort, VandenBout) The building does not block views more than other existing and planned buildings in the area. (Hahn 3) The building could be truncated to open views or walls could be opened to create a covered open air portico. (Thornton)

The Purchase building can serve as a destination point, facilitate access through the park, and can offer a unique view of the waterfront. (Cato)

Do not block views by building on the Purchase site. Opening the truck bays can provide river views. Use the building to provide views from the second story wrap around windows and roof. (Cato, Whetten) Opening the view corridor does not warrant removal of the Purchase building. (Eichorn)

Response: The removal of the Purchase Building is intended to improve physical circulation through the park as well as to open up views across the park to the East River, Brooklyn Bridge, and Manhattan. This objective could not be accomplished with the retention of the building. Reuse of the building would allow for only limited visibility through the building from immediately adjacent areas. There is no intention to build anything on the site of the Purchase building once the existing building is demolished. The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) determined that the Purchase Building and its associated outbuildings post-date the historic district’s period of significance of 1830-1915 and that these structures are not contributing elements in the Fulton Ferry Historic District. The demolition of the Purchase Building has been assessed for its impact potential and the EIS concludes that no significant adverse impacts would result from its demolition. The Purchase Building represents a more significant visual and physical barrier than other extant buildings in the park because the site’s physical conditions at that location already prevent a continuous physical and visual experience. This is due to the building’s location at the point in the park where the site bends. LPC has reviewed and commented on the Historic Resources Chapter of the EIS, which discusses the proposal to demolish the Purchase Building. It should also be noted that LPC held a hearing in 2001 to consider the application of the New York City Department of Parks & Recreation to demolish the Purchase Building in conjunction with the development of a New York City park.

Comment 128: The Purchase building should be demolished in order to restore the east Brooklyn Bridge Tower to its proper prominence on the site, to create valuable waterfront civic space, and open up important waterfront views. (Whelan)

Response: The Purchase Building would be demolished as part of the proposed project, in part to enhance waterfront views.

Access/Entrances

Comment 129: Pedestrian access and paths to the park gateways must be clear, easy and safe. (Millman) Improvements are needed to make the park more accessible and minimize the impact on communities. (Millman)

Response: The park plan provides for public access at a number of locations. Impacts related to public access and impacts on the community are assessed in the EIS. Design details on pedestrian paths related to elements such as lighting, signage, and materials will be developed during the final park design process. The entrances have been designed to provide prime views of the water from the park entrances.

Comment 130: The north end of the park has insufficient access because of the John Street building. Access for residents north of the Manhattan Bridge is cut off, as is access for users of mass transit. The plan cuts off access from the F train at York Street, as pedestrians walking on Jay Street would have a large residential building in the way. (Brookhart, Siegel, Ketcham, Thornton, Whetten, Velazquez) Access at the north end of the park entrance needs to be improved and redesigned. (Connor, Thornton)

Response: A main entrance to the park is located at Jay Street at the northernmost border of the park. The John Street residential building would not impede access to the north end of the park or views. Furthermore, the park plan provides for new access from the existing city park located under the Manhattan Bridge to this parcel.

Comment 131: The Fulton Ferry Landing entrance should have no programmed activity at the Fulton Ferry Landing Plaza, on Pier 1, or the plaza under the Brooklyn Bridge. It should not be a hardscape entrance that invites programming. It should be green and welcoming not blocked by a building. Site lines here are also blocked by the new hill. The proximity of the hotel to the gateway creates a sense of privatization at the key entry point. (Simonie, Stone, Wallach, VanderPutten, Velazquez, Wallach)

Response: The plan calls for the introduction of significant new green spaces to the area between New Dock Street and Pier 1. This includes expansion of the park lawn and green landscape of Empire-Fulton Ferry State Park toward the Brooklyn Bridge, the expansion of the green landscape adjacent to the River Café, the removal of the parking and paving adjacent to Fulton Ferry Landing and the conversion of that space to green landscape, the removal of the Purchase Building and the Pier 1 warehouse shed, and the extension of the Pier 1 park landscape to be as close to Furman Street as possible.

The design aims to open views at Pier 1 and create new site lines through the park to the river and harbor beyond. The views in both directions from the intersection of Old Fulton Street and Furman Street would be greatly enhanced by the removal of the existing warehouse shed located on Pier 1 and the removal of the Purchase Building under the Brooklyn Bridge. A plaza is planned for the space beneath the Bridge to open views to the structure and celebrate the tower and public space created by the overhead deck structure.

The high point of the hill that is proposed for Pier 1 is located far to the south of the proposed entry corridor into the park and will not impede views into the park. The north wall of the hotel building would be located as far to the south as possible within the allotted development envelope, which is set at least 150' south of the park entry at Old Fulton Street and is separated from the park entry by a green landscape including topographic features and trees.

Comment 132: At Fulton Ferry Landing, the entrance could be greatly enhanced by shifting the proposed hotel building slightly south while ensuring that it does not interfere with the view of the Brooklyn Bridge from the Brooklyn Heights Promenade. (Thornton)

Response: Comment noted. As the design of the project advances the particulars of these types of details will be examined. Also, see response to above comment.

Comment 133: Southern access of the park was intentionally limited to dissuade low-income residents south of the park from being welcome. (Logan)

Response: Access is not limited. Atlantic Avenue, at the southern border of the park would be a principal gateway to the park.

Comment 134: Changes in building location, massing, and height are needed to open the park and waterfront and to promote better access. Pier 6 must be an open entrance. The Atlantic Avenue Gateway needs to be grand and attractive and provide free access for visitors. It needs to be improved. It should be open and inviting, not physically and visually blocked and impeded by roadways and traffic. It should be greener and more park-like and open on green parkland and waterfront. It needs a clear and safe pedestrian route. (Armer, Balboza, DeBlasio, Eichorn, Koval, Markowitz, Millman, Nelson, Rifkin, Rubin, Thornton, Velazquez, Whelan)

There are barriers to park access at Pier 6 where access at the entrances is restricted because of buildings. The 8-story building blocks the Atlantic Avenue entrance and the 30 story building should not be the entryway. (Bickerstaff, Ehrlich, Francis, Lowy, Millman, Siegel, Zancolli)

The concept plan stated that the Atlantic Avenue entrance would have walkways with designs that fit into the park. Residents from Boerum Hill and Red Hook

will have to navigate the Brooklyn-Queens Expressway ramps and Furman Street traffic to get to the southern entrance of the park. (Balboza)

Aligning the building east/west from the platform of the high-rise or diagonally from the high rise to mid block would put Pier 6 in view. (P. Fleming)

The Atlantic Avenue entrance should connect to the retail and restaurants on Atlantic Avenue and bring pedestrian traffic for local businesses; it should not be a front yard for luxury housing. (Balboza)

The pedestrian approach from Atlantic Avenue, particularly the necessity of crossing the on/off ramps of the Brooklyn-Queens Expressway, requires intense, immediate attention from the BBPDC and the New York City Department of Transportation (NYCDOT). (Thornton)

Response: The Atlantic Avenue entrance is being designed taking into consideration pedestrian access and circulation needs. Atlantic Avenue will be one of three major entrances to the park. A circulation plan has been added to the Project Description, to illustrate how pedestrian access and circulation would be achieved throughout the park.

Comment 135: Locating development at the gateway may be workable, but the EIS needs more information on how the gateway will be designed and will function. (Griffin)

Response: The major gateways of the park have been designed to also function as neighborhood parks, with spaces for active and passive recreation, such as playgrounds and lawns. The residential buildings are located along the park edge near the entrance and are intended to be extensions of the cityscape. The entrances have been designed to provide prime views of the water from the park entrances.

Comment 136: If no transit is provided within the park and there is no public access to the park, it will not be successful. Transit links are needed to make the park accessible to Brooklyn residents and employees. (Burke, Ciaccio, Simon, Stone)

Response: The park would be served by New York City public buses and thus would be accessible by public transit. Three subway stations are located within walking distance of the project site.

Comment 137: Incorporate more points of entry into the park. There should be an entrance at the center of the park. (CB2, Fort Greene)

Response: Three major entrances are provided to the park. The middle entrance is located at Old Fulton Street, near Fulton Ferry Landing. There would also be a number of pedestrian entry points along Furman Street. Furthermore, the Brooklyn Queens Expressway provides a formidable obstacle to making a major entry to

the center of the park. For that reason, park planners have strived to offer the maximum range of activities available at each of the entrances.

Comment 138: The streetscape improvements at the Old Fulton Street entrance from Water Street to Front Street, Atlantic Avenue from Hicks to Furman Street, the base of the Manhattan Bridge to the water, the west side of Joralemon Street to Furman Street, and Main Street from the water to Front Street, which were part of the original plan should be reincorporated into the plan when funding allows and should be included in the project area. (Thornton, Whelan) The narrowing of the project area to not include neighboring streets and the curtailing of street treatments limits the funding possibilities for future street greening projects and other street treatments. The project area in the FEIS should be expanded to include more of Atlantic Avenue, Joralemon/Furman Street intersection, the area under the Manhattan Bridge, and streets leading out to Tillary, Jay, and Smith Streets. These improvements should be part of the EIS as they would mitigate traffic and pollution impacts. (Nelson)

Response: Comment noted. The proposed project does not include streetscape improvements on surrounding streets. The project area in the EIS is appropriately defined as the area that would be developed by the proposed project.

Comment 139: SEQRA requires a description of the environmental setting of the areas to be affected, sufficient to understand the impacts of the proposed action. The exclusion of the neighboring streets from the project area is in conflict with this provision. (Nelson)

Response: The EIS conforms with SEQRA requirements. Each analysis area defines a study area and describes the environmental setting in this area surrounding the project site. It then assesses the potential impacts of the proposed project within the study area.

Comment 140: An entrance should be provided from the subway at Borough Hall and local subways. A bridge from Montague Street should facilitate access for persons arriving by subway. A bridge could also go over the Brooklyn-Queens Expressway to provide access from the Promenade. (Fort Greene, Issel, Stone)

Response: Comment noted. The local development corporation will be preparing a separate study looking at transportation access issues to the park.

Privatization Issues

Comment 141: The new roads, serving residential units, in the park will function like city streets. (Balboza)

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Response: The new roads are designed to provide sufficient access to the development components within the park, which are required to support the park's operations and maintenance. The roads would separate the development components from the recreational elements of the park.

Comment 142: Will BBPDC or NYCDOT construct and maintain the roadways to be created in the park and the portions of existing streets that will be within the project site? (Hahn)

Response: BBPDC would be responsible for construction and maintenance of all roads within the project boundary. NYCDOT would have access to New Dock Street for maintenance of the Brooklyn Bridge.

Comment 143: "Public land is being privatized. It is a poor precedent for future parks. (Francis, Goodman, Merz, Stone) The housing on the Brooklyn-Queens Expressway is not shown on the model but it's an ongoing privatization scheme. (Lawrence) The money is going to benefit the developer. It is a publicly financed landscape. (Siegel) The park is providing housing to persons not in need. It transfers wealth to the developers and residents of the luxury condominiums at the expense of park users. The 1200 luxury residential units and the hotel will serve the affluent residents and developers not the general public. (Berger, Logan, Merz) Placing luxury housing at the entrances privatizes the entrance. (Stone)

Response: Private development within the park is consistent with the MOU and is essential to funding the park's maintenance and operations. It is the private development that will fund maintenance of the public park. The housing that was previously contemplated along Furman Street (referred to by the questioner as "on the Brooklyn-Queens Expressway") is not shown on the model because it is no longer in the plan.

Comment 144: Recreation will be limited to affluent white adults and will not be available to the entire population, especially Brooklyn children. (Hillis) The public could be prevented from accessing the park and access could become exclusive. (Charton, Sloane)

Response: Recreational facilities within the park will be open to all Brooklyn residents and the general public and will be free of charge.

Comment 145: The marina will need a fence to prevent trespassing. This is privatization of parkland. (Stone)

Response: The project plan does not include a fence surrounding the marina.

Analysis Framework

Comment 146: The build year should extend beyond 2012 to include areawide impacts from the Downtown Brooklyn Rezoning project. It should be 10, 20, or 30 years into the future as is the case in EISs for other state infrastructure investments. The 2012 build year is arbitrary and thus does not follow SEQRA’s mandate to consider reasonably related long-term and indirect and cumulative impacts. (Armer, Baer, CB2, Defense Fund, Ketcham)

Response: The analysis of the proposed project's potential impacts on the basis of a Build year of 2012, the year when project construction would be completed, is in conformity with SEQRA and is consistent with established environmental review practice and procedure in the State and City. It is also consistent with the Final Scope of Work for the proposed project. Nonetheless, in response to public comments, where relevant, the FEIS has been conservatively modified to account for the development likely to be developed by 2013 under the Downtown Brooklyn Rezoning Project, as per the Reasonable Worst Case Development Scenario developed for that project’s environmental review.

Comment 147: The study areas are arbitrary and are defined narrowly. They do not include nearby courts, Municipal Building, Court Street Office Towers. (Defense Fund)

Response: The study areas for the EIS have been developed in accordance with the *CEQR Technical Manual* and comply with the Final Scope of Work. In response to public comments on the Draft Scope of Work additional intersections were added to the study area, and a total of 49 intersections were assessed in the EIS.

Consistency with Prior Park Plans

Comment 148: We support the park design as detailed in the 2000 Master Plan, which was developed through public participation and approved by the community, CB2, CB6, local community and civic organizations, and elected officials including the Mayor and Governor. The DEIS does not reflect the plan. You should honor all the work that went into planning the park. An Alternative Build scenario based on the June 2000 Master Plan must be the basis for the DEIS. The plan must resemble the 13 guiding principles (Armer, Charton, Francis, M. Maurer, Sloane, Van Slyke) The plan should adhere to the original plan, it is superior, and was developed and accepted by all. (Gruneberg)

Response: As described in Chapter 1, “Project Description”, the 2000 Illustrative Master Plan was an early illustrative step in the evolution of the planning for the park. Based on a fuller understanding of site conditions, programming, and the park’s revenue needs, the plan has been substantially modified and refined over time to result in a feasible proposal that best serves the goals and objectives of the project.

Comment 149: The plan disregards the 13 guiding principles, intended to create a democratic park and avoid impacts on the community. The 13 principles considered the scale of the neighborhood, maximizing parkland for year-round recreation, transportation links to Downtown Brooklyn, scale relating to surrounding neighborhoods, fostering relationship with downtown Brooklyn, fostering public access from Brooklyn, and a grand Atlantic Avenue entrance. These elements from the 2000 plan are missing. The proposed design should be assessed for its ability to meet the goals of the vision plan. (Kent, Konheim, Hillis, Lowy, Manheim)

The 2000 plan elements have been replaced by residential buildings, which were not in the original plan. (Baer, Lowy) One of the 13 principles has long been to discourage residential use. (Konheim, Landes) This is a roughshod treatment of the original plan. (Tree)

Response: Residential development is not prohibited by the 13 guiding principles or the 2000 Illustrative Master Plan. Consistency of the proposed park with the guiding principles is described in Chapter 1, "Project Description." As is described in that chapter, in undertaking detailed planning for the project, a moderate amount of residential use was identified as an essential element in the park program. The inclusion of housing is a means of making the proposed park financially self-sustaining, as housing produces the most revenue with the smallest building footprint.

Park Administration/Ownership

Comment 150: The governance of the park needs to be determined in advance. The land ownership must be in a manner that ensures it will be public open space that is protected from future encroachment. Title should move to a public agency or park authority as soon as possible. There needs to be a binding mechanism in the title transfer to the Development Corporation at the year's end so that if the space is not dedicated to a development site it is protected in perpetuity as parkland. Potential mechanisms for this include deed restrictions, conservation easements, legislation, or transfer to a park agency. This would not hinder the ability to develop the park. No more than 8.5 acres should ever be dedicated to development. (Bowe, Bystryn, CB2, Connor, Craig, DeBlasio, Francis, Goldstein, Janner, Koval, Landes, McDevitt, Nelson, Simonie, Thornton, VanderPutten, Van Slyke, Velazquez, Watts, Whelan)

The land must be transferred to State Parks or another park agency or in some enforceable way. It should not be in ESDC control unless there is a binding obligation to transfer it at build out. (Butzel, Konheim, Nelson, Thornton, Van Slyke) The GPP must have a statement that no more development may occur than currently planned. (Goulder) The EIS must state that the land will be legally dedicated as park and will be inalienable without Legislative action. (M. Adams)

The public must be vigilant of the authority of the BBPDC so that it does not proceed in the future to introduce other money making, non park-like activities. (Logan) The lack of clear management structure raises several issues. (M. Adams, Konheim) ESDC should not be given a blank check to operate. (Konheim)

The EIS must outline the park's management structure. (M. Adams)

The GPP says the process will be developed to determine the most appropriate management structure. The EIS must make clear what kind of accountable structure will receive and dispense funds. (Van Slyke)

Response: Comment noted. SEQRA does not require an analysis of governance, management, jurisdiction, title, ownership, institutional, or financial options. Such issues are being worked out by BBPDC through appropriate processes. Moreover, such speculative possibilities would not affect the environmental impacts of the proposed project; the impact analyses are focused on the design and programming of the project, not the mechanisms for administration.

Comment 151: Empire Stores should remain in State Park jurisdiction and legal dispensation given for specific commercial use by Boymelgreen. This way it protects the site in the future. State Legislative approval is needed for the transfer to the proposed non-recreational uses. The EIS should describe what specific approvals are needed, not the general reference included in the DEIS. As an alternative to a legislative dispensation, any legislative approval of transfer should specify limitations on uses. (Craig)

Response: OPRHP cannot enter into a long-term lease of the type necessary for the Park to realize the benefits of the proposed use of the Empire Stores site. In order to allow for such use, the site will be transferred by the State, acting through the Commissioner of Parks, Recreation, and Historic Preservation, in accordance with the Parks, Recreation, and Historic Preservation Law, to BBPDC, which will enter into the long-term lease with the developer for the proposed use of the site. The transfer would occur pursuant to an exchange agreement between the State, acting through the Commissioner, and BBPDC pursuant to which the parties agree to exchange the Empire Stores parcel for a BBPDC owned parcel within the Park. For the State, the agreement and the exchange are subject to prior approval by the Attorney General and the Comptroller. For BBPDC, the agreement, exchange, and lease are subject to authorization by BBPDC's Board of Directors and the approval of such authorization by the Public Authorities Control Board.

Comment 152: Before the land is transferred there should be legislation detailing what can and can not be in the park, otherwise there will be lawsuits on the basis of the

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common law restriction against alienation of park property without specific authority. (Brookhart, McDevitt, Siegel)

The lack of park dedication raises several issues including the potential for additional development sites to be built, the sale by the State or its agencies of additional lands shown in the plan to be recreational that were transferred for park purposes; and fencing off of portions of the park from public access. (M. Adams)

Response: Comment noted.

Comment 153: The MOU is violated if the land is not dedicated as parkland. (M. Adams)

Response: The proposed project will conform to the requirement of the MOU that no less than 80 percent of the park be dedicated as parkland that is subject to the protective provisions of State and City law pertaining to park properties.

Comment 154: Clarify if State Park rules will be applicable in the park. (M. Adams)

Response: As stated above, issues of management, and thus the rules that will govern the park are not subject to SEQRA and will be determined during through appropriate processes at a later date.

Construction Issues

Comment 155: There need to be interim park improvements so that the park is accessible while under design and construction and links to other parks. Further planning should include designated areas that would be made available on an interim basis. (Bicek, Bystry, Markowitz, Velazquez, Whelan) Interim piers should be in use next summer. (Yassky) Interim walk-up kayaking programs should be provided at the small cove in D.U.M.B.O. (Gamble). The transfer agreement to ESDC should contain language that the park may be used to support any interim uses approved by BBPDC. (VanderPutten)

Interim improvements and access need to be provided near Atlantic Avenue. (Markowitz)

The public needs to have interim access to completed park spaces as construction proceeds. The FEIS should provide for this. This would help mitigate construction impacts. (Nelson)

Response: Comment noted. Following completion of the Final Environmental Impact Statement and affirmation of the General Project Plan, and once site control is achieved, it is the intention of the BBPDC to develop a program of interim uses for the piers to enliven the site. As park components are completed they would be available for public use. In addition, to the extent feasible, the existing city

parcs and Empire-Fulton Ferry State Park would remain available for public use as construction proceeds.

Comment 156: The park must be sequentially phased. The development plan must show when the open space will be built to ensure it is prior to revenue generating uses. Construction of private development aspects should be concurrent with park construction. A phasing plan should be established to ensure this. Mechanisms must be identified that ensure that commercial sites would not be completely developed prior to parkland. If development precedes the construction of park space and financial demands for revenue generation were to decrease, the opportunity to reduce the commercial program could be lost. Phasing should be sensible to prevent this. (Armer, Calet, Nelson, Stanton, Millman, Thornton, Whelan, Yassky)

Pg 18-1 paragraph 3 suggests that alternating construction of private development with public parkland might mean nothing other than creation of green spaces around private buildings. (Stanton)

Response: The GPP provides that the phasing of construction for Brooklyn Bridge Park will be such that construction of the park will either precede, or proceed in tandem with, the development program. The project team has recently produced a new schedule that shows that the park will be complete before all of the development comes on line.

As described in Chapter 18, "Construction", under the construction schedule that is currently anticipated, design development and construction documents for the various park areas would be completed in 2006 and 2007. Following bid negotiations, construction on the first park segments would begin in 2007, with the earliest construction commencing on Pier 1, Piers 2-5, the John Street, site and portions of the upland area. In the last quarter of 2007, work would begin in the Brooklyn Bridge Plaza area, and by 2008 work would be underway on Pier 6. Portions of the park would be completed by 2010 and the final construction on the development component of Pier 1 (the hotel and residential building) would be completed in 2012. Other than the conversion of 360 Furman Street, which would be the first development area to be completed, construction of the development parcels would generally proceed in tandem with that of the adjacent area of the park and on overall basis the development parcels would not be completed prior to construction of the full park.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 157: The zoning override is solely to support development of the park. The zoning changes will allow the development to proceed without subsidies. (Levine)

Response: Comment noted. As described in Chapter 2, "Land Use, Zoning, and Public Policy," zoning overrides will be exercised by ESDC with the concurrence of

New York City, in order to construct the proposed park plan. The general public will benefit from the proposed project, as it will create a publicly accessible park.

Comment 158: It is criminal to override zoning to develop public land for a privileged few. (Kennedy)

Response: The commentor's assertion is incorrect. The park will benefit a broad spectrum of users. As a state public benefit corporation, ESDC has the legal authority to override New York City Zoning Regulations. The overrides are needed to construct the park, which will benefit the general public and will be exercised with the City's concurrence.

Comment 159: The EIS should analyze the impacts the proposed action will have on the existing and future marine terminal (M2-1 zone) directly to the south of the project site on Piers 7-9. (Markowitz)

Response: It is anticipated that Piers 7-9B will continue as maritime industrial uses on the piers, with supporting uses on the uplands that are compatible with current zoning. There are currently no plans to change the nature of the maritime use on those piers.

Comment 160: The DEIS says there are large apartment buildings in Cobble Hill. These are not of comparable size to the proposed buildings and were built prior to the designation of the historic district and enacting of protections to the character of brownstone neighborhoods. (Rifkin)

Response: Chapter 2, "Land Use," describes the bulk of the Cobble Hill neighborhood's housing stock as brick and brownstone rowhouses and notes the presence of larger apartment buildings in its description of existing conditions. The Land Use chapter assesses the compatibility of the proposed project with surrounding land uses and concludes that the proposed residential uses are compatible with the surrounding largely residential community. The Urban Design Chapter assesses the compatibility of the proposed building design with the surrounding area. That chapter describes that although the 30-story residential building to be constructed on the upland area of Pier 6 would be taller than other buildings on and near the project site, which are predominantly low-rise, the existing 360 Furman Street building—which is 146 feet in height, and 224 feet to its tower—would be immediately adjacent to the proposed building and sets a context for taller buildings in the area.

Comment 161: Is the inclusion of 360 Furman Street as a park entity with no review by the local community board or New York City government contrary to land use regulations? (Charton)

Response: New York City consented to the proposed zoning override and participated in negotiations with the developer of 360 Furman Street and planning of the site for inclusion in the park. 360 Furman Street is part of the proposed project and any potential impacts associated with its inclusion and development are described in the EIS and were subject to public review as part of the public review process in connection with the EIS for the proposed project.

Comment 162: No analysis supports that residential development is compatible with park use. No other public park in the city or country has this type of high density residential development. There is no data to support that there is demand for hotel and residential uses here. (Landes)

Response: Parks are intended to serve area residents and workers. Most parks within New York City are located adjacent to residential uses, and many directly border high density residential neighborhoods. The residential uses within the park are designed to be extensions of the city, with internal park roadways separating residential uses from the recreational areas within the park. In this way, the residential uses would function much like residential uses located along the boundaries of other parks, such as Central Park and Prospect Park, which are two successful parks surrounded by housing.

Comment 163: The EIS does not consider the CB2 197A Report for the Old Brooklyn District. (Stone)

Response: The CB2 197A Report for the Old Brooklyn District was never approved by the City Council and is thus not official policy.

Comment 164: SEQRA requires consideration of whether a project is in conflict with a community's plans or goals as officially approved or adopted. The plan does not consider and is in conflict with the 2000 Plan. The impacts of this conflict must be assessed in the EIS. (Defense Fund)

Response: The 2000 Master Plan is not an officially adopted City or State policy with which the proposed project must be assessed for compliance under SEQRA. Nonetheless, the Project Description of the EIS does discuss the manner in which the proposed park plan evolved during the design process from the Master Plan of 2000 to the current plan being reviewed.

Comment 165: The references to 180 Montague Street and the Court Street Multiplex as examples of recent comparable construction ignore the circumstances for these buildings, which were built as of right and led to the creation of the Special Downtown Brooklyn District. These buildings are eyesores and should not be used to justify an additional building. (Landes, Thornton)

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Response: The reference to the two aforementioned developments in the Chapter 2, “Land Use, Zoning, and Public Policy” of the EIS were as examples of recent development within Brooklyn Heights, which as stated in the chapter is rare because of the area’s historic status and the lack of available land. The EIS does not compare the proposed project to these two developments.

SOCIOECONOMIC

Comment 166: The Brooklyn dock workers on Pier 6 do not want to leave. They want to keep their jobs and feel they are being forced out. How will this be mitigated? (Kennedy)

Response: There are currently three businesses operating on the piers that would be displaced. These businesses are primarily engaged in warehousing activities. As stated in the DEIS, the three businesses that would be displaced by the proposed project would have an opportunity to relocate elsewhere in Brooklyn or New York City, as there were approximately 8.5 million square feet of vacant industrial space in Brooklyn and Queens at the end of 2004, and another 5.2 million square feet of vacant industrial space in Manhattan and the Bronx.

Comment 167: The economic and environmental effects of wave attenuation, commercial yachting, and floating sidewalks need to be considered. These elements should be scaled back. (Armer)

Response: The environmental impacts of the proposed project, including the impacts of wave attenuation and floating sidewalks, are assessed throughout the DEIS. No commercial yachting is proposed as part of the project. The cost of marine infrastructure, such as wave attenuators and floating sidewalks, is included in the financial plans for the proposed park.

Comment 168: The rebuilding of the waterfront is really an economic development and community development project, but the focus has been on design, not on these issues. Granville Island is a good model for redevelopment. (Kent)

Response: Chapter 1, “Project Description,” describes the purpose and need of the proposed project. The project is a large waterfront park on the Brooklyn shoreline. It is intended primarily as a recreational project not as an economic development project. Development components are provided specifically to fund maintenance and operations of the park as required under the MOU. Nevertheless, the proposed project will result in the creation of jobs and economic benefits through taxing and expenditures, as detailed in Chapter 3, “Socioeconomics.”

Comment 169: A community benefits agreement providing for contracts and jobs for minority and women and local businesses should be explored. A means of oversight for such contracts should be established. (CB2)

Response: Comment noted.

Comment 170: The project will harm employment. Low-paying jobs are emphasized over higher-paying union jobs that currently exist on the piers today or would have been provided under the 2000 plan. The plan will emphasize jobs like housekeeping and babysitting for the residences. There has been no study of alternative commercial activity that would protect existing jobs and generate better jobs in the future. (Francis, Stone)

Response: The direct business displacement analysis presented in Chapter 3, “Socioeconomic Conditions,” concludes that the displacement of the three businesses currently located on the project site would not result in a significant adverse impact under CEQR. Typically, direct business displacement is considered to be significant and adverse under CEQR if the businesses being displaced have substantial economic value to the City or region and can only be relocated with great difficulty or not at all, if they are protected by publicly adopted regulations or plans, or if they contribute substantially to a defining element of neighborhood character. The analysis concludes that the businesses on the project site do not meet any of these criteria.

As stated in Chapter 3, according to 2004 industrial vacancy data from the Society of Industrial and Office Realtors (SIOR), there were approximately 8.5 million square feet of vacant industrial space in Brooklyn and Queens at the end of 2004, and another 5.2 million square feet of vacant industrial space in Manhattan and the Bronx. The three businesses currently located on the project site occupy a total of 645,750 square feet (sf) of space - between approximately 180,000 sf and 280,000 sf each. This indicates that the displaced businesses would have an opportunity to relocate elsewhere in Brooklyn or New York City and that the jobs would not be lost to the New York City economy.

Comment 171: The Socioeconomic Conditions Chapter contains several errors in its tables. Most of these are typographical or arithmetic errors and are minor. Errors have been provided in an appendix. (Janes)

Response: Chapter 3, “Socioeconomics”, has been updated to adjusted for the following discrepancies identified by the commentor. Edits were made to Table 3-5 and Table 3-10 and supporting text are indicated with double underlining. The chapter reflects the updated population growth figure for the Fulton Ferry, D.U.M.B.O., Vinegar Hill subarea from 348 to 248 and changes have been made to any numbers that were calculated using the 248 figure. The difference in the employment figures presented in Tables 3-11 and 3-12 was due to an

oversight in the employment tabulations, not to a discrepancy between employment measures. The employment estimate presented in Table 3-12 of the DEIS includes the jobs associated with both the park and non-park elements of the proposed project while the employment estimate presented in Table 3-11 includes only the non-park employment. This difference was reconciled by adding the estimated 94 park jobs to the employment total in Table 3-11. The residential population projections anticipated with the proposed project have been updated for consistency with the EIS's open space assessment. The addition of 94 jobs does not alter the findings of the socioeconomic analysis. None of the revisions made to the chapter affect the findings of the analysis, and there would continue to be no significant adverse socioeconomic impacts resulting from the proposed project.

Comment 172: In combination with other development projects, the area will be gentrified and will be unaffordable. (Berger)

Response: The DEIS analysis of indirect residential displacement evaluates the potential for the proposed project to increase property values and thus rents throughout the study area, making it difficult for some of the existing residents to afford their homes. The analysis concludes that the proposed project would not result in a significant adverse impact related to indirect residential displacement. Data from the U.S. Census Bureau and from local real estate agencies indicates that household incomes, housing values, and rental rates in areas surrounding the proposed project site are already high compared to Brooklyn and New York City and that the trend towards development of market-rate and luxury housing is already well underway. This indicates that a substantial population at risk of indirect residential displacement is unlikely to be living in the study area (the low income population in the study area is likely to be living in public housing or rent protected units, which are shielded from market pressures), and that the housing that would be introduced by the proposed action would represent a continuation of an existing trend rather than the introduction of a new one. The DEIS concludes that there would be little potential for indirect residential displacement, and that any indirect residential displacement that could occur would not lead to a change in general socioeconomic conditions or neighborhood character and therefore would not result in a significant adverse impact.

COMMUNITY FACILITIES

Comment 173: The developer needs to provide an intermediate school for Region 8 within a building in the park. The city should fund this. (Connor, Markowitz) An intermediate school in the park could have a maritime theme. (DeBlasio)

Response: The analysis of public schools in Chapter 4, “Community Facilities,” shows that existing intermediate schools will have adequate capacity in the future with the proposed project. The updated schools analysis in Chapter 4 of the FEIS shows that even considering development that is expected to occur as a result of the proposed Brooklyn Arena project by 2009 and the projected development anticipated under the Downtown Brooklyn rezoning by 2013 (as estimated for that project’s environmental review), in addition to the proposed housing on the project site, there would be adequate capacity at both elementary and middle schools in Region 2 of CSD 13 and in CSD 13 as a whole.

Comment 174: A school should not be incorporated into the park. (Hahn)

Response: A school is not part of the project plan.

Comment 175: CEQR methodology was followed by using the district, but in reality residents will want to and will go to P.S. 8 in accordance with school admissions policy that prioritizes by zone require variances for children to go elsewhere. There will be too many children. (Stanton, Thornton)

The DEIS states that none of the elementary or intermediate schools in Region 2 or throughout District 13 are expected to operate at or above capacity in 2012, with the proposed project or without it, presumably because the overall district-wide enrollment numbers are declining. Overall district estimates may be acceptable under CEQR, but P.S. 8’s enrollment program is running counter to these estimates, having already increased 20% since 2003. With a potential total of 2,900 new residential units zoned for P.S. 8, the DEIS greatly under estimates the cumulative enrollment pressures from the proposed project on P.S. 8, which in turn will influence middle school demands. (Stanton)

Most of the new students in the future without the proposed project will come from D.U.M.B.O. and the north. These students, along with the students from the Fulton Landing and John Street units will claim the available seats at P.S. 8 and P.S. 287, the two schools with excess capacity within 1.5 miles. The John Street students may fit into P.S. 8, P.S. 307, and P.S. 187. The DEIS cites seven residential projects to be completed by 2012 in Region 2 of District 13, adding a total of 1,689 new housing units, all zoned for P.S. 8. Pursuant to CEQR-prescribed pupil generation rates, these projects could generate 468 public elementary students. When these numbers are added to the DEIS projections for the park’s projected student population, there could be a significant strain on P.S. 8’s capacity (P. Fleming, Stanton, Thornton)

76% of residential units will be at Pier 6, on the border of District 15. The only 2 schools within 1-mile are P.S. 29 in District 15 and P.S. 8 in District 13. Five of 7 of the schools within 1.5 miles are in District 15. The DEIS studies the 8 schools in Region 2 of District 13. Six are more than 1.5 miles from Pier 6. Only

4 elementary schools and 1 intermediate school within 2 miles of the Pier 6 units are in Region 2 of CSD 2. Within 1½-mile only 2 elementary schools and no intermediate schools are in Region 2 of CSD 13. Within 1 mile, only 1 of 3 elementary schools is in CSD 13. The only school within ½-mile is in CSD 15. District 15 must be included in the study area. The treatment of schools available to these 930 units is otherwise illusory. The only schools in walking distance of the Fulton Landing units are P.S. 8 and P.S. 307. The only schools in walking distance of the John Street site are P.S. 8, P.S. 187, and P.S. 307. The 8 elementary schools listed in Table 4-1 are more than 1.5 miles from even the north end of the project. The available seats from P.S. 11, P.S. 20, P.S. 46 should not be counted towards Region 2's available seats. It also relies on a decline in elementary school students between 2003 and 2012. (P. Fleming).

Elementary school enrollment is based on a specific geographic zone. While schools district-wide may be under capacity, the schools closest to the project site are not. Only two of the nine schools examined in the DEIS would serve the project area. These schools, P.S. 261 and P.S. 8 are near or above 95 percent capacity. P.S. 8 has grown 20% since 2003, outpacing the DEIS projected rate. (CB2, Markowitz, Thornton) The 2003-2004 utilization rates show 102% for P.S. 29 and 66% for P.S. 8. P.S. 8 is expected to be at capacity within 1 to 2 years. Nearby P.S. 261 is at or near capacity. New housing in downtown Brooklyn (e.g. Court Street) are not included in the DEIS and will exacerbate the crowding of schools. DOE has no plans to build any schools. (P. Fleming, Stone, Thornton)

The schools analysis uses outdated and wrong assumptions. It does not reflect current conditions so can't thus predict accurately 2012 conditions. (Stone)

The new housing will lead to need for new schools. The DEIS is incorrect. Since the residential units will be developed ASAP, a new school will be needed before 2012. In 2003 nearby schools were at or near capacity or will be within the year. (Stone)

The analysis should show the increases in enrollment specific to the schools within the Brooklyn Bridge Park area as a result of future enrollment and the projected increase from the project, not district-wide. (CB2)

Regarding public middle school enrollment, there are only two middle schools located in Region 2 with a total capacity of 2,552 pupils. The DEIS states that both are below capacity, with a combined total of 982 available seats (in 2003-04). The DEIS estimates 174 new middle school students to be generated by the seven other new residential projects in the study area plus 121 from Brooklyn Bridge Park. These numbers would not appear to significantly affect the existing Region 2 middle schools, although they reflect children living in the zone for P.S. 8 and PS 8's parents are advocating for a middle school closer to home than the two regional choices. (Stanton)

Response: Consistent with the *CEQR Technical Manual*, the schools analysis in Chapter 4 of the EIS uses the most recent data available, from the Department of Education's *Utilization Profiles: Enrollment/Capacity/Utilization, 2003-2004*, as the basis for existing conditions. These data show that P.S. 8 is at 66% capacity, not 95 percent as stated in the above comment. P.S. 261, which is located in CSD 15 and would not serve students from the proposed project, is at 99 percent capacity. Under current districting, the entire project site falls within Community School District (CSD) 13 and children living on the project site would be zoned for attendance at CSD 13 schools, and would not be eligible for attending CSD 15 schools. The schools analysis in Chapter 4 shows that even considering development that is expected to occur as a result of the proposed Brooklyn Arena project by 2009 and the Downtown Brooklyn rezoning by 2013, in addition to the proposed housing on the project site, there would be adequate capacity at both elementary and middle schools in Region 2 of CSD 13 and in CSD 13 as a whole. The recently constructed Court House apartment building on the corner of Court Street and Atlantic Avenue falls within CSD 15. Children living within that building are zoned to CSD 15 schools and therefore would not contribute to enrollment in CSD 13 schools.

Comment 176: The DEIS states that the proposed project would not exceed the CEQR-specific threshold for a more detailed analysis of impacts on libraries, outpatient health care facilities, police, fire and day care. A project of this scope will put greater demands on existing police and fire facilities serving the study area. The DEIS states that a detailed impact analysis of police service is not called for because the park would provide its own dedicated security personnel, including police officers and park rangers. In the event of an emergency or major event, the DEIS states that it is expected that park security would call on the New York Police Department (NYPD) for support and, in accordance with city policy, the NYPD and Fire Department of New York (FDNY) continuously monitor conditions to determine how personnel are deployed and adjust deployment patterns as deemed necessary. (Thornton, Stanton)

Response: Comment noted. The Community Facilities analysis was conducted in conformance with the Final Scope of Work, and the *CEQR Technical Manual*.

OPEN SPACE

Comment 177: The 2003 scope presents a reasonable open space assessment for a facility that would serve the entire borough and the region. The 2005 DEIS addresses only how well the new park serves residents within a half mile and workers within a quarter mile. It does not address how well the project will serve the borough and the unmet demand that will exist with the completion of Downtown Brooklyn and Atlantic Yards development. It ignores the promise of the park as a regional

amenity that will draw significant users from Manhattan and the region. (Konheim)

Response: Chapter 1, "Project Description," describes that the proposed project would serve as a regional open space resource. The Open Space chapter follows the guidance of the *CEQR Technical Manual*, and assesses the potential impacts to open space resources for a commercial population within ¼-mile of the project area and the residential population within ½-mile of the project area. This reflects the nearby areas that would be most affected by park development. CEQR methodology does not require an assessment of open space impacts borough-wide.

Comment 178: The buildings proposed for the Pier 6 uplands violate the statute that protects existing parks from new development within 100 feet. (Stone)

Response: The project sponsor is not aware of any such statute.

SHADOWS

Comment 179: The shadow studies of Pier 1 show times of day that are not of the greatest relevance to this problem. The 8 Old Fulton Street building receives sun from the late afternoon until sunset. CEQR methodology excludes the 1.5 hours before sunset. Of the 15 studies in the DEIS only 5 show afternoon light when the 8 Old Fulton Street building would receive direct light. Of these, all but June 21 at 2:00 show the block shaded or with shadow encroaching. The entire block bounded by Doughty, Furman, Fulton and Everit will be in almost perpetual shadow. (Simonie, Wilner)

8 Old Fulton Street is a landmark building. It is entitled to protection from physical and contextual impacts. The hotel/residential complex will cast shadows on the building and sections of Fulton Ferry Historic District during the late afternoon and at sunset. (Wilner)

The EIS concludes that because of the small size of the Fulton Ferry Historic District affected by shadow there is no significant impact. The impact on that area is 100%. The DEIS must restudy the shadow with more emphasis on late day and western light in order to accurately assess its impact on the Fulton Ferry Historic District. (Simonie, Wilner)

The big mass of the Pier 1 upland development near Doughty Street will cast shadows on the southwest corner of the Fulton Ferry Landing Historic District and 8 Old Fulton Street. The Cold Storage footprint should be adhered to, in order to alleviate these problems. The development needs to be in the scale of the historic structures. (Park, Simonie)

Response: According to the analysis, which was performed in accordance with the CEQR Technical Manual, shadows from the north building in the Pier 1 upland area

would reach the 8 Old Fulton Street building on the March/September analysis day as shown in Figure 6-16 and on the May/August analysis day as shown on Figure 6-20. The March shadow is shown at 4 PM less than half an hour before the end of the analysis period at 4:29 PM. As the sun moves further west in the sky the shadow would move to fall in a more easterly direction and cover less of the building. Thus, later shadows would be less. The May shadow would only fall on the south end of the building at 5:30 PM about 45 minutes before the end of the analysis period at 6:18 PM. Again, as the sun travels further west, less shadow would be cast on 8 Old Fulton Street. The shadow of the north building does not reach 8 Old Fulton Street on the June 21 analysis day. On the December analysis day the shadow would not reach 8 Old Fulton Street during the analysis period which ends at 2:53 PM, but it would reach 8 Old Fulton Street before sunset. However, as noted by the commenter, shadows cast 1.5 hours before sunset (similar to 1.5 hours after sunrise) are not considered in CEQR analyses. The west façade of the 8 Old Fulton Street building is in shadow in the morning because the sun rises in the east. By 1:45 PM the west façade is out of shadow and it would stay out of shadow until 3:15 PM. Consideration of the shadow conditions over the course of the day is intended to address potential impacts to trees and plants. In addition to the 8 Old Fulton Street building being only a small part of the Fulton Ferry Historic District, it has no significant sun-sensitive features. Therefore, neither the effect on this individual building nor the effect on the overall district would be considered a significant adverse impact.

Comment 180: The Pier 6 residential building will cast shadows on local houses on Columbia Place, Willow Place, and State Street and on the South Heights. (Ciaccio, Padgitt) The trees in Palmetto Playground will be cast in shadow by the Pier 6 upland buildings during the summer growing season. A wall will block light all day long throughout the entire year. (Francis, Landes, Stone)

Response: The shadows that would be cast by the Pier 6 buildings are disclosed in EIS Figures 6-6 and 6-10 and text on pp 6-10: “On the May and August analysis days shadows from the taller building on the Pier 6 upland would reach into the Brooklyn Heights Historic District from 5 PM until the end of the analysis period at 6:18 PM, but fall only on the roofs and backyards of houses along Columbia Place and Willow Place. On June 21, the 6 PM shadow of the taller building would reach into the Brooklyn Heights Historic District, but fall only on a small portion of Palmetto Playground. By the end of the analysis period at 7:01 PM, the shadow would cover somewhat more of the playground and reach the facades and roofs of buildings on Columbia Place and State Street.” Palmetto Playground and its trees would only be in shadow from the Pier 6 building at end of the analysis period: in May/August from 5:45 PM to 6:18 PM and in June from 6 PM to 7:01 PM. The comment is incorrect. The EIS

concludes that there would be no significant adverse impact relating to shadows cast from the development on the Pier 6 uplands.

Comment 181: The DEIS states that were it not for the buildings the impacted open space would not be created. Finding this non-significant is questionable, as there are available mitigation measures, such as building reconfiguration. (Markowitz)

Response: Under CEQR, if a project creates both a building and an open space, the proposed building's shadow is typically not considered a significant adverse impact on its own proposed open space. Because the shadows cast by the proposed buildings on open space to be created by the proposed project are not considered to cause significant adverse impacts, mitigation is not required.

Comment 182: Buildings that increase the amount or time of shadows over existing open spaces and backyards should not be part of the plan. (CB2)

Response: The proposed buildings would only cast shadow on three existing open spaces: Palmetto Playground, Fulton Ferry Pier, and the Main Street Playground. New shadows would only reach the Palmetto playground at the end of the analysis period on the May/August and June analysis days. New shadows would only reach the Fulton Ferry pier at the end of the analysis period in December. New shadows would only reach the Main Street Playground at the beginning of the analysis period for 78 minutes or less. None of these shadow increases outweigh the value of the open spaces that the development would create. Shadows on backyards even in historic districts are not a subject for CEQR shadow analyses unless they are historic landscapes or have important natural features. The backyards in question do not meet those criteria.

Comment 183: The 360 Furman Street building blocks afternoon sunlight, creating shadows on the area between Hicks Street and Furman Street from State Street to Remsen Street. The increase in height of the building will increase the shadow length. (Charton)

Response: The actual area in which these incremental shadow would fall includes the backyards between Joralemon Street and Grace Court west of Columbia Street on the March/September analysis day, Joralemon Street and its sidewalks again west of Columbia Street on the May/August analysis day, and on backyards on the south side of Joralemon Street west of Columbia Street on the June analysis day. Based on CEQR criteria, there would not be significant adverse shadow impacts from this building.

Comment 184: The action described in the shadows chapter is not the same as the action described in the Project Description and the GPP. In the shadows chapter the new buildings are set back from Furman Street. The sizes of the footprints also

vary. The project description shows the Pier 1 upland buildings as having nearly the same footprint. The Shadows analysis shows the southern building as being noticeably smaller. The buildings are also simulated without their mechanical penthouses, which would be the worst case scenario. (Janes, Konheim)

Response: The base plans shown in the FEIS shadow analysis are correct. The drawings elsewhere are conceptual sketches from which the newer drawings were developed. The Cold Storage Building footprint is approximately 59,541 square feet. The length of the building is approximately 480 feet, and the width varies between 146 and 120 feet. The buildings proposed for Pier 1 both are 120 feet wide, which is the same width as the narrow part of the existing Cold Storage buildings. The footprint of the northern building is 54,000 square feet and of the southern building is 52,200 square feet.

HISTORIC RESOURCES

Comment 185: The DEIS is appropriate. It suggests the use of a Letter of Resolution; however, as this is a federal undertaking, a Programmatic Agreement, which would be open to involved agencies, including the Advisory Council on Historic Preservation, and set up procedures for following the Section 106 process should be implemented. (Cumming)

Response: The proposed project would comply with both state and federal processes related to historic preservation.

Comment 186: At this time OPRHP has no concerns related to the two National Historic Landmarks—the Brooklyn Heights Historic District and the Brooklyn Bridge. A Programmatic Agreement should allow for further review to ensure their protection. (Cumming)

The project has many elements of positive historic preservation: the rehabilitation of Empire Stores, the reuse of the Tobacco Warehouses and retention of the Fireboat Station in the Fulton Ferry Historic District. (Cumming)

Response: Comment noted. As stated above, the proposed project will comply with the Federal Section 106 process as appropriate, and has considered the proposed project's effects on the two National Historic Landmarks—the Brooklyn Bridge and the Brooklyn Heights Historic District—in the course of park planning.

Comment 187: There needs to be an extensive analysis of historic resources, including potential landmarking of buildings within the park. (Armer)

Response: The project sponsors have consulted with the Office of Parks, Recreation and Historic Preservation (OPRHP) and the New York City Landmarks Preservation Commission (LPC) regarding the identification of historic resources. OPRHP

has indicated that the former National Cold Storage Company Plant is eligible for listing on the State and National Registers of Historic Places. LPC has not identified any buildings in the project area to be New York City Landmark eligible, beyond those that have already been designated. The EIS has disclosed that demolition of the former National Cold Storage buildings would result in significant adverse impacts to this historic resource. Appropriate measures to partially mitigate the adverse impacts due to the demolition of the former National Cold Storage buildings are being developed in consultation with OPRHP under the terms of a Letter of Resolution between the project sponsors and OPRHP.

Comment 188: The plan will have a negative impact on historic resources. (Kersavage) The demolition of the National Cold Storage buildings will be a negative impact. (VandenBout)

Demolition of the National Cold Storage Buildings is a significant impact. (Markowitz, VandenBout) The demolition is unprecedented. (Stone)

Response: As noted in the response to the comment above, the EIS has determined that the proposed project would have adverse impacts on the former National Cold Storage Company buildings and the project sponsors have been, and will continue to, consult closely with OPRHP regarding appropriate mitigation measures for this historic resource. As described in the Historic Resources Chapter of the EIS, the project would also have beneficial impacts to historic resources. The historic Empire Stores are being rehabilitated as per the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Comment 189: The National Cold Storage Buildings were found eligible for listing on the S/NR. The buildings should be incorporated into the plan. (Kersavage) They provide a rare opportunity to document early refrigeration equipment. It offers the opportunity to study how a public cold storage operation was organized and equipped. The only other two remaining plants in the city have been substantially altered for reuse. (Habstritt)

The Cold Storage Buildings are not protected by landmark law but are historic structures and should be retained if possible. SHPO shares this viewpoint. The reasons for demolition do not fit the goals of the National Historic Preservation Act. The DEIS says that too much integrity of the building would be lost to convert it to a hotel. Existing elements should be preserved rather than create elements to celebrate the history of the waterfront. (Tolbort)

The Cold Storage buildings could be reused for a hotel or other use. Other cold storage buildings have been reused for performance space, light manufacturing or mini-storage. (Campbell, Habstritt)

Response: As described in Chapter 7, “Historic Resources,” since the former National Cold Storage buildings have been determined NR-eligible, a feasibility study was undertaken to determine whether the residential/hotel program could be accommodated in the existing structure; if the existing building is appropriate for adaptive reuse; if alterations to convert the building would impact its historic character; and what the costs of such a conversion would entail. The study concluded that the required program could not fit into the existing buildings; that the cost to retrofit the buildings to partially accommodate the proposed program and meet all applicable building, health and safety codes, would be of a significantly higher cost than to build anew, and that the alterations required to convert the buildings to a mixed use hotel/residential use would constitute a significant adverse impact on the historic character of the buildings. Based on these findings and the goals of the project to maximize parkland, minimize new building footprints, and the restrictions placed on development within the park so that new structures fall outside the restricted view plane of the Brooklyn Heights Promenade, there is no reasonable alternative to the demolition of the buildings.

As described above, the EIS has disclosed that demolition of the former National Cold Storage buildings would result in significant adverse impacts to this historic resource and appropriate measures to partially mitigate those impacts are being developed in consultation with OPRHP.

Comment 190: SHPO cannot concur that all prudent and feasible alternatives to demolition of the Cold Storage facility have been explored until information is formally submitted to SHPO. (Cumming)

Response: This information is being documented, as discussed in the response to an above comment, and is being provided to OPRHP.

Comment 191: The historic integrity of the Empire Stores and Tobacco Warehouses could be altered during construction of the park. (VandenBout)

The Tobacco Warehouses merit greater protection as an historic resource and should be considered for listing on the State and National Registers of Historic Places and included in a list of structures of potential historic resources for SHPO, to protect the structure from major modifications or constructions of other interior structures. (Whelan)

Response: Comment noted. The Tobacco Warehouses are a contributing element of both the New York City Landmark and S/NR listed Fulton Ferry Historic Districts. As described in the EIS, this historic resource would be protected during park construction under measures set forth in the Construction Protection Plan to be implemented for the proposed project to ensure that no inadvertent damage occurs to historic structures during project construction. Furthermore, the EIS

has indicated that the Empire Stores would be rehabilitated by a private developer that will be a party to the Letter of Resolution with OPRHP and in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties (contained in 36 CFR Part 67 of the Department of the Interior regulations). This process would ensure that this historic building is rehabilitated appropriately and that the building's historic integrity would not be adversely affected. It is not anticipated that the historic integrity of the Tobacco Warehouses would be adversely affected. This resource is located within Empire-Fulton Ferry State Park and the proposed park would not alter this resource's setting within a park.

Comment 192: The John Street site lies within the D.U.M.B.O. Industrial State and National Register Historic Districts. The John Street site will require special permitting for the preservation of archaeological resources and development on the site. (Hillis)

Response: As discussed in the EIS, the John Street site has been identified as potentially containing archaeological resources, including 19th century landfilling devices, piers, and building foundations. It is also located within the existing S/NR listed D.U.M.B.O Historic District (although the D.U.M.B.O site is not considered by OPRHP to be a contributing portion of the D.U.M.B.O Historic District). Therefore, the project sponsors are consulting with OPRHP and LPC regarding appropriate measures to avoid adverse impacts on archaeological resources, such as testing and/or monitoring activities, and will also consult with OPRHP regarding the proposed design of the new residential building.

Comment 193: SHPO has determined that the factory building at 55-61 Furman Street does not meet the criteria for listing on the National Register of Historic Places. (Cumming)

Response: Comment noted. This determination will be reflected in the FEIS.

Comment 194: The Purchase building demolition is a poor precedent for and violation of Landmarks Law. (Hillis, Ryan, Thornton, Whetten)

The Purchase Building is significant for its importance as part of the WPA and for its deco style and as the first international style building in Brooklyn as well as for its history on the Brooklyn waterfront. (Ryan, Tolbort, Thornton, VandenBout)

The Purchase Building is a contributing building to the Fulton Ferry Historic District (Thornton, Whetten, VandenBout) Characterization as non-contributing is incorrect. The DEIS is incorrect on page 7-11, it says that OPRHP and LPC determined that it is a non contributing element to their historic districts. It restates this on page 7-17. The LPC does not use the language of contributing

and non-contributing. LPC included the building in its boundaries of the FFHD and provided a detailed description of the building. We can assume the building is of historic and architectural significance. The Fulton Ferry Historic District designation report compares the Purchase Building favorably to other designated buildings and discusses a long-range plan for the reuse of the building once vacant, implying that LPC considered it worthy of preservation at the time of designation. The decision was made to include the building in the S/NR. Since there was no determination of significance for any buildings in the districts, one must assume that the very act of inclusion is a statement of significance. The CPC report on designation also references reuse of the building. (Kersavage, Tolbort, VandenBout) Characterization of the building as non-contributing is questionable. (Markowitz)

The EIS must include a study of impacts on the plan to demolish the Purchase Building. It should be considered a significant adverse impact. (Kersavage, Thornton)

Considering the sum total of square footage of potentially demolished historic buildings, we should save what little we have left. The DEIS asserts that the Purchase Building does not contribute to the historic fabric of the district and therefore can be demolished without effect to the historic resources of the study area. It claims that the demolition plan is in accordance with findings by the LPC. This cannot be accurate when (a) the Landmarks Law prohibits demolition of protected buildings in historic districts; (b) its distinctively contributive design history is specifically mentioned in the NYC Landmarks Commission Designation Report; contradicting any claim that it is non-contributing building; and (c) the Building meets all the requirements of the LPC and the State Historic Preservation Office for Historic Resource as outlined in the DEIS. (VandenBout)

Response: In comments dated June 21, 2005, OPRHP determined that the Purchase Building and outbuildings including a shed and boiler house are non-contributing elements in the State and National Registers-listed Fulton Ferry Historic District. ORPHP further determined that the Purchase Building does not individually meet the National Register criteria for listing. As noted by OPRHP, the Purchase Building, built in 1936, post-dates the Fulton Ferry Historic District's period of significance, which is the mid- to late 19th century and early 20th century. Alterations have also been made to the building, including new roofing, coping, and windows, as part of a 1990 renovation of the building, as well as the enclosure with concrete block of the center bay of the loading dock on north façade, and all of the loading dock bays on the south facades and the addition of a new one-story bulkhead on the roof, rendering the building not individually eligible for the Registers. In a study of the Purchase Building prepared by Beyer Blinder Belle in March 1999 and submitted to the New York City Landmarks Preservation Commission, Beyer Blinder Belle

concluded that this building is inconsistent with the historically commercial nature of the Fulton Ferry area and the 19th and early 20th century buildings that compose it, and that other buildings in New York City, including the Starett-Lehigh Building, are much better examples of International Style and Art Deco architecture.

The 1977 New York City Landmarks Preservation Commission designation report for the Fulton Ferry Historic District describes all the properties within the boundaries of the historic district, including the Purchase Building and the recently (at the time) completed Fulton Ferry Park. However, the report does not distinguish between contributing and non-contributing buildings. Even if it were assumed that the Purchase Building was a contributing element to the historic district, its removal would not constitute a significant adverse impact to historic resources, for the reasons OPRHP determined the Purchase Building to be non-contributing and not eligible for the Registers (discussed above).

BBPDC has explored alternatives for potentially keeping the building on the site but has determined that the building would pose a significant obstacle between the northern and southern sections of the proposed park, a finding that is also supported by the 1999 Beyer Blinder Belle report. It would also continue to obstruct views of the Brooklyn Bridge piers and diminish views of one of the City's most pre-eminent historic and engineering marvels. Thus, retention of the building would be antithetical to the goal of a continuous park along the Brooklyn waterfront that highlights and celebrates such important waterfront structures as the Brooklyn and Manhattan Bridges. However, due to concerns raised regarding the potential architectural significance of this building and absent a determination by LPC that it is not a contributing structure to the New York City Historic District, its demolition will be treated in the same manner as if it were to have a significant adverse impact and therefore, mitigation in the form of Historic American Buildings Survey (HABS) documentation will be undertaken and submitted to an appropriate public repository.

Comment 195: 8 Old Fulton Street needs contextual protection. The hotel will alter the context of the landmark building. The façade and scale relative to the street must be preserved without being shaded or miniaturized. The hotel must be reduced in size and modified in shape and relocated southward to the footprint of the Cold Storage buildings. (Simonie, Wilner)

Response: Presently, the context of this building is mixed, and includes historic buildings in the Fulton Ferry Historic District to the east and north, as well as a fenced parking lot adjacent to the former National Cold Storage Company across Furman Street to the west. Its context includes older, low-rise historic buildings, and more modern, taller structures, such as the Watchtower Building to the south. The Brooklyn City Railroad Company Building is oriented towards Old Fulton Street, with its primary façade, ornamented with stone including a

bracketed cornice, quoins, and pilasters at the ground level facing this street. It is not expected that construction of the new hotel, to be located south of this historic resource, partially in the area of a non-historic parking lot, would adversely impact this historic building, which, as described above, is oriented north to Old Fulton Street. The northern of the two buildings proposed for the National Cold Storage buildings site would be outside of the area protected by the scenic view district. The new buildings in this area would not eliminate any views from the promenade to the skyline of Lower Manhattan, Governor's Island, Brooklyn Bridge, Statue of Liberty, or New York Harbor, or to the adjacent buildings of the Brooklyn Heights Historic District. The buildings proposed for the Pier 1 uplands, which would be 120 feet wide, would also be narrower than the Cold Storage buildings, which vary between 146 feet and 120 feet.

Comment 196: SHPO needs to review the plans for development in the Pier 6 and D.U.M.B.O. areas to assess whether the height and scale of the proposed buildings is out of context with the neighborhood and impacts to historic properties. (Cumming)

D.U.M.B.O. is currently pursuing historic district status and will soon undergo comprehensive rezoning. Twenty story high rise buildings are not in keeping with the historic industrial character and set a dangerous precedent. (Whetten)

Response: The project sponsors will continue to consult with OPRHP regarding the proposed design of the park. As described above, the project sponsors will consult with OPRHP regarding the proposed new building at the John Street site in D.U.M.B.O. At this time, a proposed Historic District in D.U.M.B.O. has not been calendared for designation. A rezoning of D.U.M.B.O. has also not been sufficiently advanced by the New York City Department of City Planning, and, therefore, is not discussed in the EIS.

Comment 197: External alterations to the 360 Furman Street building will be subject to review and approval by park planners and city and state agencies to ensure compatibility with plans and designs for the park. Color and detail finishes will be consistent with historical design elements of the building. (Levine)

Response: Comment noted.

Comment 198: There will be a loss of air and light as a result of the proximity of the proposed residential buildings to Willowtown and landmarked brownstones. (Ciaccio, Landes, Stone)

Response: The proposed new 30-story building at Pier 6 would be a slender tower to maximize the extent of parkland. It would be separated from any historic brownstones in the Brooklyn Heights Historic District by the Brooklyn-Queens Expressway, which is a substantial physical and visual barrier between the

historic Historic District and the Pier 6 site. Since the proposed new building is neither immediately adjacent to nor across a narrow street from the historic brownstones, no adverse impacts in terms of light and air are anticipated on the historic district.

Comment 199: 8 Old Fulton Street is identified in Figure 7-1 as a known historic resource but is excluded from the study areas in Figures 7-3 to 7-5. (Simonie)

Response: Figure 7-3 through 7-5 show the locations of potential, buried archaeological resources, not historic standing structures. A photograph of the Brooklyn City Railroad Company Building at 8 Old Fulton Street is included on Figure 7-13 of the EIS.

Comment 200: Provide additional information on the location of boat repair and supply facilities located adjacent to the marina. Indicate if historic buildings or neighborhoods could be affected. (Cumming)

Where will the new streets serving the hotel and residential uses be located. Indicate whether they would affect any historic buildings or neighborhoods. (Cumming)

SHPO needs to review the landscape features of the park to ensure that the new features do not compete with the industrial nature of the neighborhood. (Cumming)

SHPO needs to review the light fixtures, location of photovoltaic cells, and possible introduction of wind turbines as information becomes available. (Cumming)

Response: The project sponsors are consulting with OPRHP regarding the design of the park. Subsequent to receipt of these comments, ORPHP has reviewed the proposed park plans and does not have any concerns regarding any proposed new streets or landscaping. No new boat repair or supply facilities would be built in the project area. OPRHP would continue to review the park design as it evolves, including lighting and the potential for any wind turbines.

Comment 201: SHPO needs to review a Phase 1A to determine if the areas identified as sensitive are appropriate. SHPO will help to further develop detailed plans for the consideration of archaeological resources. (Cumming)

Response: The Phase 1A Archaeological Study has been forwarded to OPRHP for its review.

Comment 202: LPC concurs that the project has the potential to impact potentially significant archaeological resources. LPC recommends inclusion of additional research on the potential Revolutionary War Warship that may be present near Joralemon

Street. If such a resource is found, it should be incorporated into the park. The warship should receive more study and mitigation should be provided if construction will take place where it is located. (Stone, Sutphin)

The determination of where further archeological work may be needed should be deferred until the plans are finalized. (Sutphin)

Response: The Phase 1A Archaeological Assessment will be revised to incorporate LPC's comments. The Phase 1A presently indicates that the potential Revolutionary War ship would be deeply buried beneath 8 to 12 feet of fill. Present plans do not call for any deep excavation in this area of potential archaeological sensitivity. However, the project sponsors are aware of the potential location of the ship and will consult with OPRHP and LPC should the project have the potential to affect that area.

Comment 203: Sensitive archaeological resources may be in the area, such as relics from the American Revolutionary War. (Armer) There is the potential for archaeological resources at the hotel and residential sites. Excavation needs to be done at each site to be disturbed. (Kennedy)

Response: As discussed in the EIS, the project area is sensitive for archaeological resources. Consequently, the EIS indicates that archaeological testing and other mitigation measures will be undertaken as necessary in consultation with OPRHP and LPC, to avoid any significant adverse impacts on archaeological resources.

Comment 204: The study area is too small. The *CEQR Technical Manual* states that larger study areas may be appropriate when the action results in changes that are highly visible and can be perceived from farther than 400 feet and could affect the context of historic resources some distance away. The action takes place at the center of a large number of historic landmarks and districts and thus should extend more than 2 blocks from the site. Because the project has the potential to affect the skyline and nearby historic districts, the area of potential effect should be expanded. Impacts on the Brooklyn skyline should be considered. (Janes)

Response: As described in the EIS, the historic resources study area includes an area within 400 to 800 feet from the project site. This study area was determined based on site visits and in consideration of existing physical and visual barriers, such as the Brooklyn-Queens Expressway. As shown on Figure 7-1 of the EIS, the study area for historic resources extends more than two blocks from the project site in the vicinity of the Brooklyn and Manhattan Bridges. This area is sufficient to consider potential project effects in a densely built urban environment.

Comment 205: Photomontages or photo simulations showing views under current conditions and with the proposed action should be used to evaluate the effect on nearby historic resources. (Janes)

Response: Visual simulations were used during the design process to minimize impacts to historic structures and design the park to maximize the importance of, and views to, two of the areas most prominent historic resources—the Manhattan and Brooklyn Bridges. A simulation of proposed views from the Brooklyn Heights Esplanade was created by overlaying a dimensionally accurate CAD wireframe model with existing conditions photographs taken from the Brooklyn Heights Esplanade. The AutoCAD software has the capability to take images of the 3D model from virtually the same location as a person would stand in reality, thus generating a very precise view of the proposed park.

URBAN DESIGN AND VISUAL RESOURCES

Comment 206: The study area for the urban design and visual resources analysis is too small. (Janes)

The Scope of Work says that the study area would be refined during the analysis. The applicant should consider examining other publicly accessible areas that may have views to or from this action, such as to and from Governors Island or the Statue of Liberty. (Janes)

Response: The study area for the urban design and visual resources analysis is consistent with the Final Scoping Document and the *CEQR Technical Manual*. It was chosen based on natural and man-made features that define the visibility of the project site. Since the site can be seen from the Brooklyn Bridge, Manhattan Bridge, and East River Esplanade, the analysis considered views from these locations. Since public views to the project site from east of the Brooklyn-Queens Expressway are extremely limited by this roadway, the Brooklyn-Queens Expressway forms the eastern border of the study area between Poplar Street and Atlantic Avenue. The Brooklyn Heights Promenade provides expansive views of the project site, and therefore views from this location were considered; however, as the project site is located approximately 53 feet below the Promenade, it cannot be seen from points east of the Promenade within the Brooklyn Heights neighborhood. Elsewhere, the study area used for the analysis is 400 feet from the project site. While the project site would be visible from some parts of northeastern Governors Island, this area is located approximately 1.3 miles away and is generally not accessible to the public at this time (there is limited ferry access to the island during the summer months, and no ferry access during the fall, winter, and spring). The Statue of Liberty is located approximately 2.6 miles away from the project site, and does not offer clear views of the project site. Therefore, these areas were not included within the study area.

Comment 207: The plans should not include any new buildings that decrease any existing views, such as of the Brooklyn Bridge or notable Manhattan Buildings from the Promenade or the park. (CB2)

Response: Comment noted. As described on page 8-15 of the EIS, any new construction within the area protected by the Brooklyn Heights Scenic View District would be required to comply with its regulations. The proposed project would not result in significant adverse impacts to views, including from the Brooklyn Heights Promenade.

Comment 208: No site lines are affected by the 360 Furman Street Development roofline changes and development of the 2-stories that will be expanded. (Levine)

Response: Comment noted.

Comment 209: The view from Willowtown looking west is not considered. (Bickerstaff, Francis)

Response: Views looking west from within Willowtown are along Joralemon Street and Atlantic Avenue; State Street dead ends at Columbia Place and views west along this street are blocked by the concrete viaduct of the Brooklyn-Queens Expressway. Views west along Atlantic Avenue were described in the DEIS. Views west along Joralemon Street will also be described in the FEIS.

Comment 210: The DEIS does not adequately describe the visual impact of the proposed housing. The buildings will block views to the sky from many nearby buildings. (Campbell)

The new buildings will block view planes of those arriving at Atlantic Avenue (Bickerstaff)

The DEIS does not show the view plane from the end of Doughty Street, from which views would be cut off. (Craig)

The view from 8 Old Fulton Street will be severely curtailed. (Simonie)

The Pier 6 upland buildings will affect neighborhood sightlines and views. (Thornton)

The DEIS says that the view under the Brooklyn-Queens Expressway from Atlantic Avenue would not be affected by the proposed building. It also says that the park would be visible in the distance as a burst of green as one passes beneath the Brooklyn-Queens Expressway. This is incorrect. It is almost entirely cut off by the 95-foot building. Only a slice of the dune landscape is visible. This violates the requirement to protect viewsheds from the foot of Atlantic Avenue (P. Fleming)

Response: Per the *CEQR Technical Manual*, the visual resources analysis focuses on views from public and publicly accessible locations. It does not include private residences or places of business. Therefore, existing views to the project site from nearby buildings are not a subject for analysis. As described in the EIS, Atlantic Avenue does not function as a visual corridor except in the area west of the Brooklyn-Queens Expressway. Therefore, although the new buildings to be constructed adjacent to 360 Furman Street would be visible from Atlantic Avenue as one nears the project site, these views are not considered to be notable. These buildings are outside of the area protected by the Brooklyn Heights Scenic View District. The FEIS describes in greater detail the visibility of park elements from this location and views west along Doughty Street.

Comment 211: Any buildings constructed adjacent to the historic Fulton Ferry Landing should be in scale with the Old Fulton Gateway. The hotel makes a visual intrusion into the Fulton Ferry area. The buildings should be moved to the south by more than 35 feet and reduced in size and reshaped. This is shown in the figures from the Environmental Simulation Center (ESC). (Simonie, Wallach)

The building should be reshaped and shifted so that it does not affect any site lines and opens up views. (VanderPutten) The complex needs to be reexamined. (Velazquez)

The Pier 1 buildings have the greatest footprint and these buildings are the closest to any existing residential buildings. (Zimiles 1)

Response: The northern building of the proposed hotel/residential buildings would be substantially similar in length, width, and height to the National Cold Storage buildings, one of which it would replace. Although the northern building would extend farther north on the project site than the National Cold Storage buildings currently do, the northern edge of the building would be just north of Doughty Street, and therefore it is not anticipated to be a visual intrusion into the Fulton Ferry area from Old Fulton Street.

Comment 212: The Pier 1 and Pier 6 upland buildings have large footprints. The footprint of the northern building is 1.37 acres. There are only 134 buildings in Brooklyn with a larger footprint and these are for industrial and institutional uses. (Janes)

Response: The EIS assesses maximum building envelopes, which are studied as conservative reasonable worst case development scenarios, not actual proposed building designs. The footprint of the northern building of the hotel/residential complex would be 1.24 acres; the footprint of the southern building would be 1.20 acres. The footprints of the buildings that would be developed on Pier 6 are 0.22 and 0.43 acres. The footprint of the hotel/residential complex buildings would be similar to those of other historic waterfront structures in the surrounding area, including the Tobacco Warehouses (approximately 1.97

acres), the Watchtower building on the east side of Furman Street (approximately 1.39 acres), and the Gair warehouse in D.U.M.B.O. at 66-76 Front Street (approximately 1.19 acres).

Comment 213: The EIS needs to consider the massing of the buildings on the landscape. (Francis)

Response: The EIS considers the massing of the buildings on the landscape. As described on page 8-14 of the EIS, the buildings to be constructed under the proposed project would primarily be located near the entrances of the park and its intersections with the surrounding residential neighborhoods of Brooklyn Heights and D.U.M.B.O., similar to the housing that exists at the edges of other major parks in New York City, including Prospect Park and Central Park.

Comment 214: Preservation of views from the Promenade has been cited since initial plans for the park in 1987 and is in the guiding principles. (Pearsall)

Views from the Promenade to the Brooklyn Bridge and Chrysler Building belong to all people. (Pearsall)

Response: Comment noted. New construction within the protected view plane of the Brooklyn Heights Scenic View District would comply with its regulations. Therefore, the proposed project would not result in any significant adverse impacts to views from the Brooklyn Heights Promenade within the area protected by the scenic view district.

Comment 215: Thirty-one stories is a bad precedent, including for future development on the Columbia Street corridor. (Rifkin, Thornton)

Response: There is no proposal for a 31-story building. As described in the EIS, although the 30-story residential building to be constructed on the upland area of Pier 6 would be taller than other buildings on and near the project site, the existing 360 Furman Street building—which is 146 feet in height, 224 feet to its tower—would be immediately adjacent to the proposed building and sets a context for taller buildings in the area. The zoning of the surrounding area—generally a Limited Height District east of the Brooklyn-Queens Expressway and an M1-1 zoning district west of the Brooklyn-Queens Expressway—hinders the development of tall buildings. In addition, as the area to the east of the project site is within the Brooklyn Heights Historic District, in which the development of new buildings is regulated by the New York City Landmarks Preservation Commission, it is unlikely that the proposed project would serve as a precedent for the future development of tall buildings within the Columbia Street corridor.

Comment 216: The hotel exceeds the footprint of the Cold Storage building. It is 225 feet longer and 30 feet wider. It stretches all the way north to Doughty Street. Page

8-13 says they are approximately the same footprint but this is a 50% increase. The GPP says the complex is proposed for on the site of the National Cold Storage buildings. This is not correct. The footprint should be honored as it says it is in the DEIS and GPP. The community was assured that the buildings making up the hotel complex would be completed on the existing footprint and would honor the overall mass. (Simonie) Clarify if the hotel is within the Cold Storage envelope. (Craig)

Response: BBPDC has made no commitment that the buildings to be built on the Pier 1 uplands would occupy the footprint of the existing National Cold Storage Buildings. The National Cold Storage Buildings' footprint is approximately 59,541 square feet. The length of the buildings is approximately 480 feet and the width varies between 146 feet and 120 feet. The EIS assesses the maximum potential building envelopes for the proposed buildings on the Pier 1 uplands. For purposes of analysis, the footprints of the two buildings that would be part of the hotel/residential complex on the uplands of Pier 1 are assumed to be 120 feet by 450 feet and 120 feet by 435 feet. While this would extend beyond the length of the footprint of the existing National Cold Storage Buildings, the proposed buildings would be narrower than the existing buildings. Furthermore, the buildings would be set back above the second floor (the lower floors would be visually blocked from the east by the landscaped hills) and thus would appear even more slender than the existing buildings. Chapter 8 of the FEIS has been revised to provide greater detail of the coverage of the new buildings.

Comment 217: The National Cold Storage building extends 200 feet into the scenic view plane district. The residential buildings would extend 400 feet into the district. (Kennedy)

According to the DEIS, the Pier 1 upland buildings would be taller than the Cold Storage Buildings (100 feet vs. 55 to 75 feet according to page 8-13). However the Cold Storage building is 98 feet with a 12 foot bulkhead and the DEIS is incorrect. The proposal should not block the existing view past the bulkhead for just 12 feet of hotel. It would bifurcate the continuity of the arc. Building the hotel tower up to the height of the existing buildings' bulkheads instead of roofs will result in partial blocking of the iconic view. (Pearsall 4, Thornton)

The views of the Brooklyn Bridge and Lower Manhattan from the Promenade are protected in the Brooklyn Heights Scenic View district, which establishes view planes. The buildings proposed for the National Cold Storage site if built to 100' would partially block views of the Brooklyn Bridge and Manhattan skyline. The view of the East Tower of the bridge would be blocked and the new building would be visible from the Promenade. This would result in a negative impact on the Brooklyn Bridge, Brooklyn Heights Historic District and

on community character. The proposed buildings should conform to the Scenic View District. (Craig, Kennedy, Kersavage, Thornton)

The view of the bridge arc from tower to tower formed by the bridge roadway is visible above the Cold Storage Building from the Promenade. It should be preserved or enhanced. (Pearsall, Thornton)

The shifting of the hotel wall to the south would exacerbate the impact. The wall would be extended south by 26 feet, and would thus devastate the view of the arc, cable, and Chrysler building. (Pearsall)

The hotel should not exceed 98 foot roofline of the Cold Storage Building. But the height should be reduced to 88 feet to improve the view. (Pearsall, Thornton)

It is not clear that the view from the Promenade will not be impaired nor that new views would be opened from the Heights. (P. Fleming)

The DEIS is disingenuous when it states that the views from the Promenade would not be adversely affected and that removal of the National Cold Storage buildings opens up views. This is demonstrated by simulations of the ESC. The new buildings would overwhelm the westward view from many vantage points and block views of the Brooklyn Bridge and Manhattan skyline. (Konheim)

If the ESC simulations are accurate, there are serious concerns on the east-west width as well as the height of the residential building south of the hotel, and of the width of the hotel. These simulations suggest an entirely unacceptable impairment of the view of the Brooklyn Bridge, as well as a violation of the protected view plane. The BBPDC must provide visual simulations of the envelopes as viewed from the Promenade, Fulton Ferry Landing, Doughty and Furman Streets, as well as exact descriptions of their proposed locations, to determine the accuracy of ESC's simulations. (Thornton)

The placement and massing of the buildings should be shifted to minimize view obstructions from the entry and inland. Design elements should be used to lessen the obstructiveness. (Craig)

The hotel/residential complex is too tall and wide and are aesthetically intrusive. It is out of context with the neighborhood. (Craig, Wallach)

Response: The FEIS reflects the correct height of the National Cold Storage buildings. At their maximum height the existing National Cold Storage buildings are 109 feet tall. Similarly, the northern building of the hotel/residential complex would be 100 feet tall at its highest point. As described in the EIS, the buildings would comply with the view plane requirements of the Brooklyn Heights Scenic View District. Each of the hotel/residential buildings would be approximately the same east-west width (approximately 120 feet) as the existing National Cold Storage buildings, which range in width from 120 to 146 feet. Therefore, the hotel/residential complex is not out of context with the neighborhood because

each of the proposed buildings would be substantially similar in length, width, and height as the buildings they would replace. Although the complex would be more visible in surrounding views than the National Cold Storage buildings, due to its extended length, the proposed height of the northern hotel/residential building would not substantially or significantly block views from the Brooklyn Heights Promenade.

The drawings released by the Environmental Simulation Center (ESC) on October 30, 2005, do not accurately represent important aspects of the proposed design for the park. The proposed hotel-residential building on Pier 1 would be at least one story shorter than the buildings depicted in the ESC visual simulations. The portion of the building within the protected viewshed would be 55 feet tall, which does not violate the protected view plane. The portion of the building that falls outside of the protected view plane would be 100 feet high. The proposed removal of the Cold Storage Warehouse buildings opens up views of the Brooklyn Bridge from the Brooklyn Heights Promenade that are not visible today. Further, the ESC renderings incorrectly extrude the entire footprint of the building rather than incorporate the setback that would occur above the second floor.

The approaches to the park from Atlantic Avenue and in D.U.M.B.O. would offer spectacular views of the park. The perspectives chosen in the ESC renderings for these approaches distort their context by focusing on close-ups of the development parcels, which would only constitute one element of these entrances. Further, the ESC renderings are cropped in such a way that the scale relative to the context is not understandable.

In general, all of the buildings in the ESC renderings appear exaggerated because the structures are shown in a solid color and windows and structural or architectural elements that give scale and reduce mass are not shown.

Comment 218: The project provides a lot of attention to maintaining the viewshed from the Brooklyn Heights Historic District. (Cummings)

Response: Comment noted. The Brooklyn Heights Scenic View District is a protected view plane under the City's zoning regulations. Within the scenic view district, no buildings, signs, or other structures can be erected that would rise above the "view plane" established for the district. The EIS describes the project's consistency with the requirements of the scenic view district.

Comment 219: The DEIS does not examine visual pollution from residential buildings (Merz)

Response: A full discussion of urban design and visual resources effects of the proposed project in accordance with SEQRA and the *CEQR Technical Manual* is included in Chapter 8 of the FEIS, which concludes that the proposed project would not result in any significant adverse impacts on urban design or visual resources.

Comment 220: Article X, Chapter 2 of the New York City Zoning Resolution states the goals of preserving, protecting and preventing obstructions of outstanding scenic views as seen from a mapped public park or a mapped public place directly accessible to the public and to promote the most desirable use of land and direction of building development to assure the maintenance and enhancement of the aesthetic aspects of the scenic views, to conserve the value of land and buildings and to protect the City's tax revenue. Although the visual resources assessment may refer to the Special Scenic View District, the evaluation of impacts on visual resources is separate and independent from compliance with the Special Scenic View District requirements. The applicant did not evaluate the impact on visual resources from the Brooklyn Height Promenade because the proposed project could not result in any significant adverse impacts to the views from the Promenade within the area protected by the scenic view district and the action follows the requirements of the district. The applicant should not rely on the local zoning resolution in the evaluation of impacts on visual resources. Furthermore, the action does appear to break the view plane as described in the Brooklyn Heights Scenic View District, specifically for the shorter buildings along Furman Street labeled as 55'. No building in the district can exceed an elevation of 63.5 feet when converting elevations from mean sea level or about 4 feet above the surface of the Promenade. The roof of these Furman Street buildings is about 64', and with a 4 foot parapet would rise to 68 feet and with the mechanical penthouse and water tank it would likely rise to 89 feet. The buildings at the far side of the Scenic View District can be no taller than 57 feet 7 inches. The proposed building is a full 10 feet higher than what the District permits at this point (Janes)

Response: The analysis presented in Chapter 8 of the EIS considers the potential impacts of the project on visual resources. The protected view plane of the Brooklyn Heights Promenade is a significant view corridor and is considered as such in this analysis. The Scenic View District creates constraints on the development allowable within the protected view plane, and therefore the project's potential impact on visual resources is considered within this framework.

The commentor's assertion that the southern portion of the hotel/residential development is 10 feet higher than what the Special Scenic View District allows at that point is incorrect. The development would not interfere with the view plane. The comment relies upon architectural assumptions, most importantly that 55 feet is assumed to be the height of the roof. This is incorrect, as 55 feet represents only a maximum height within the view plane.

The commentor states that the maximum elevation of the development along the Furman Street edge is approximately +57', based on adjusting A₁-A from elevation +66.0' to +63.5', and B₁-B₄ from elevation +2.5' to 0 (cross sections reference figures provided in comment letter). While the View Framing Line elevations were all lowered by 2.5', the commentor neglected to similarly adjust

the elevation along Furman Street (which is 8.5' along the edge of the development), making the maximum height of the development envelope appear shorter.

Sixty three and a half feet ($8.5' + 55.0' = 63.5'$) is the maximum elevation that is allowed by the view plane at Furman Street. This should not be taken as an architectural datum such as a roof level or parapet height—it is simply the maximum height within the view plane at this location. A portion of the footprint is outside of the view plane and is therefore not limited by height (see Appendix E for illustrative diagrams). This would provide a developer with the flexibility to locate tall elements such as a water tower without obscuring views of the river from the Brooklyn Promenade, which is the design and intent of the Special Scenic View District.

Comment 221: The Atlantic Avenue entrance view is blocked by the 310 foot residential and shorter building. The 1-story cocoa sheds currently block the view. (Kennedy) The lower-rise Pier 6 buildings interfere with the viewplane. (Rifkin) The bulk of the lower building on Pier 6 is a problem. (Landes)

Response: As described in the EIS, Atlantic Avenue does not function as a visual corridor except in the area west of the Brooklyn-Queens Expressway. Therefore, although the new buildings to be constructed adjacent to 360 Furman Street would be visible from the avenue as one nears the project site, these views are not considered to be notable.

Comment 222: The DEIS is incorrect in asserting that the 30-story building is not out of context with neighboring buildings. The nearest building is only 2-stories tall. It is inappropriate for the waterfront and should be reduced. (Markowitz, Thornton) 360 Furman Street does not set the context for taller buildings for the area. The building stands alone and its bulk is not 224 feet tall but 149 feet. No other building in the neighborhood approaches this height. The actual context is low-rise buildings. (Landes)

The statement that at 315 feet the hi-rise buildings would be taller than most other buildings on or near the project site is incorrect. It would be the tallest. (Landes)

Response: The building nearest to the proposed 30-story residential building is 360 Furman Street, the bulk of which is approximately 146 feet in height. The tower of 360 Furman Street is approximately 224 feet in height. As stated in the EIS, the 30-story residential building to be constructed on the upland area of Pier 6 would be taller than other buildings on and near the project site, but that 360 Furman Street would be immediately adjacent to the proposed building and sets a context for taller buildings in the area.

Comment 223: The method of analysis and determination of significance of impacts is not standard in an action of this size or location. Evidence to support the claim of no impact is needed. A visual simulation or photomontage as a way of demonstrating impact is needed to show that there is no impact to visual resources in a waterfront project of this size. According to NYSDEC an applicant must demonstrate with evidence that impacts are in fact what is claimed, not merely assert them. The DEIS makes assertions that are not well supported by evidence, including that the proposed project would be expected to enhance the project's views to visual resources; views from the Brooklyn and Manhattan Bridge would be greatly improved with the project; views from the Promenade would be substantially enhanced and that new buildings in the area would not eliminate any views from the Promenade. While further evidence to support these claims is needed, there is no requirement to perform visual simulation in the scoping document, CEQR Technical Manual, or DEC Visual Policy Statement. (Janes)

There is no support for the statement that there will be a dramatic improvement in the Brooklyn waterfront compared to the future without the proposed project. (Landes)

Response: As correctly noted by the commenter, there is no requirement to perform visual simulation in the Final Scope of Work, the *CEQR Technical Manual*, or the DEC Visual Policy Statement. However, as stated above, visual simulations were used during the design process to avoid creating impacts to the view plane. A simulation of proposed views of the Pier 1 hotel building was created by overlaying a dimensionally accurate CAD wireframe model with existing conditions photographs taken from the Brooklyn Heights Promenade. The AutoCAD software has the capability to take images of the 3D model from virtually the same location as a person would stand in reality, thus generating a very precise view of the proposed buildings.

Comment 224: The ESC created photomontages based on the information in the DEIS and from the Sanborn Map Company. These utilize a digital CAD model and photographs of existing conditions. They assume a four foot parapet and penthouses of 25 feet. The montages show that the Pier 1 buildings will block more of the Brooklyn Bridge as viewed from the Promenade and the small building will break the Promenade's Scenic View Plane and will encroach on views from the Promenade and will partially block the view of the Empire State Building. Some views to Lower Manhattan from the Promenade would be improved. The view of the Brooklyn skyline from the water would be altered, obscuring the Watchtower from view. Views would be created from the water to the Promenade and Brooklyn Heights. The view from John Street towards the Manhattan Bridge tower would be obscured. Views to Lower Manhattan would be partially obscured. The view to Lower Manhattan from Atlantic Avenue and Furman Street would be obscured. (ESC)

Response: As described above, the drawings generated by ESC are flawed and do not accurately depict the proposed building envelopes. Any required parapet and mechanical equipment would be included in the proposed building envelope. The proposed hotel-residential development on Pier 1 would be approximately one story shorter than the buildings depicted in the ESC visual simulations. The portion of the development within the protected view plane would be 55 feet high; the portion outside the view plane would be 100 feet high, which is approximately the height of the existing Cold Storage Warehouse buildings.

Comment 225: The FEIS should address measures to ensure that lighting elements in the park for both recreational and development sites would be designed so as not to degrade the nighttime visual environment with light glare in historic neighborhoods and the Promenade. All outdoor lighting should be shielded and low sodium vapor lamps should be used to the extent possible. Lights should shine down and away from the Brooklyn Heights and Cobble Hill neighborhoods. Bright lights should be avoided in gathering places. (Thornton,Whelan)

The final scope of work for the proposed project says that the potential for visual impacts from piers and other park lighting will be assessed. The DEIS does not include an analysis or assessment of lighting impacts on visual resources. (Janes)

Response: As discussed on page 8-13 of the EIS, the lighting of the park areas, while not currently designed, is expected to be consistent with the lighting of other large-scale parks within the city, with both low-scale light fixtures providing ambient illumination and larger-scale fixtures surrounding playing fields and recreational facilities and would not be expected to have any significant adverse impacts on neighboring areas. Views from the Promenade or other locations would not be adversely affected by such lighting.

Comment 226: Images of the views from the beaches of the coves should be added to the Urban Design and Visual Resources Chapter. (Goulder)

Response: No such images are available at this time.

Comment 227: The over-water walkways proposed to cross the two coves at the north end of the site would mar public views unnecessarily as described in the DEIS. We were pleased to see that the most recent park model has removed the walkway across the southern cove and has reduced the size of the other. These are important improvements that must be incorporated in the final plan. (Thornton) The bridges would detract from river views. (Goulder, McAdams)

Response: The DEIS does not characterize the over-water walkways as marring public views. As described in the DEIS, the bridges would not be considered to

dominate or substantially obstruct views of the river. In any case, as described in the FEIS, a bridge is no longer proposed over the southern cove and the bridge over the northern cove has been relocated closer to the coast and reduced in size.

NEIGHBORHOOD CHARACTER

Comment 228: The scale of the residential buildings is of concern and must decrease. Tall buildings will be out of character, it is a low-rise area. The buildings on Pier 6 should decrease in height by one third. They must fit into the neighborhood context. A 30 story building is inappropriate when neighboring buildings are 5 to 6 stories. (Armer, Francis, Landes, Markowitz, Millman, Siegel, Thornton, Tree)

The Pier 6 buildings are not in keeping with the row-house character of the neighborhood. The DEIS states that the residential buildings would be compatible with the residential character. The buildings that the DEIS lists as being of similar height (180 Montague Street, theater on Court Street) were built as-of-right outside the historic district. These buildings caused the introduction of height limits by the New York City Department of City Planning (DCP) at the eastern periphery of Brooklyn Heights. 360 Furman Street is an anomaly along the waterfront. No mitigation is provided for the introduction of tall buildings in the low-rise neighborhood. (Rifkin, Stone)

Response: As described in the DEIS, although the 30-story residential building to be constructed on the upland area of Pier 6 would be taller than other buildings on and near the project site, the only “neighboring building” to the proposed 30 story building is the existing 360 Furman Street building—which is 146 feet in height, 224 feet to its tower—and it is that building that sets a context for taller buildings in the area. As no significant adverse impacts have been identified, no mitigation is needed.

Comment 229: The Atlantic Avenue entrance should be protected. Structures should not overwhelm the neighborhood. The Pier 6 buildings create a wall with insufficient provisions for open space and visual view planes. (Rifkin)

The assertion that the viewshed from the foot of Atlantic Avenue would be protected ignores the entire issue of scale, a key component of compatible neighborhood character. (Konheim)

Response: As shown on Figure 8-22 in Chapter 8, “Urban Design and Visual Resources,” the viewshed to the water from Atlantic Avenue would be preserved. In addition, the residential buildings at the Pier 6 uplands occupy only a small portion of the park area and are surrounded by recreational open space areas. As stated in the EIS, the buildings are expected to be compatible with the neighborhood. In addition, the residential and retail development at the Atlantic Avenue gateway would bring around the clock activity to the project site. The

presence of residents and shoppers would bring “eyes” on the park, increasing activity and circulation on the site.

Comment 230: There will be an increase in traffic making it intolerable in the neighborhoods surrounding the proposed park. (Berger)

Response: As discussed in Chapter 14, “Traffic and Parking,” the proposed project could result in significant adverse impacts at 14 intersections during the PM peak hour, 9 intersections at midday, and 6 intersections during the Sunday midday. These impacts could be mitigated at most locations, but there would be unmitigated traffic impacts at two intersections. These intersections are currently characterized by heavy traffic and the increased traffic would not substantially alter the character of the neighborhood.

Comment 231: The tripling of volume on Sunday midway would severely impact the existing ambiance of Joralemon Street but would over time impact the impaired roadbed. The DEIS is incorrect that if Joralemon Street remains open it would not significantly alter neighborhood character. (P. Fleming) The new residents at 360 Furman Street will use Joralemon Street, impacting the cobblestone. (Charton)

Response: If approved by the City of New York as part of the proposed project, Joralemon Street would be closed to vehicular traffic at Furman Street, but would remain open for pedestrians. This closure would minimize park-generated traffic along Joralemon Street. To support evaluation of the proposed closure, the scenario with Joralemon Street remaining open to vehicular traffic at Furman Street was also examined. As described in the Neighborhood Character Chapter of the EIS, although this scenario would increase vehicle trips along Joralemon Street, it would not result in significant adverse traffic impacts and would not significantly alter neighborhood character. Under existing conditions Joralemon Street, near Hicks Street, carries 39 vehicles per hour (vph) in the midday, 50 vph PM and 36 vph Sunday midday. With Joralemon Street open at Furman Street, an estimated 43 vph in the midday, 45 vph in the PM, and 52 vph on Sunday midday would likely use this roadway to access the proposed project. The capacity of the intersections would remain adequate to accommodate the increased traffic volume that would be generated. The roadbed is under the jurisdiction of NYCDOT and any repairs to the cobblestone would be undertaken by that agency.

Comment 232: The hotel will overshadow the neighbors on Old Fulton Street.

Response: The area south of Old Fulton Street is already characterized by large buildings, including the approximately 150-foot Watchtower building located on the block immediately south of Doughty along Furman Street. Additionally, the existing National Cold Storage building complex, the footprint of which most of the

proposed hotel/residential building would occupy, is approximately 71 feet tall at its northern end and reaches a maximum height of approximately 100 feet further south. In this context, the proposed building would not be out of character in this neighborhood.

Comment 233: Willowtown is most directly affected by the 360 Furman Street and Pier 6 development. Light and air to Willowtown will be blocked by the new buildings. (Bickerstaff, Fitzsimons) Shadows from the Pier 6 buildings will jeopardize the character of the neighborhood, casting key areas in darkness. (Tree)

Response: The new development at 360 Furman includes only the addition of approximately 20 feet to the main roof height of the building, which will not substantially block light and air to the adjacent upland neighborhood. The DEIS disclosed that on the May and August analysis days shadows from the taller building on the Pier 6 upland would reach into the Brooklyn Heights Historic District from 5 PM until the end of the analysis period at 6:18 PM, but fall only on the roofs and backyards of houses along Columbia Place and Willow Place. On June 21, the 6 PM shadow of the taller building would reach into the Brooklyn Heights Historic District, but fall only on a small portion of Palmetto Playground. By the end of the analysis period at 7:01 PM, the shadow would cover somewhat more of the playground and reach the facades and roofs of buildings on Columbia Place and State Street. Given the short durations of the shadows, their impact is not considered to be significant and they would not substantially alter neighborhood character.

Comment 234: Development should be designed so as not to detract from the park or negatively impact surrounding communities. (Janner)

Response: The EIS analyses conclude that the project would represent an important new amenity and would not cause significant adverse impacts to neighborhood character of surrounding areas.

Comment 235: There is plenty of building underway in D.U.M.B.O. that is already compromising the historic industrial characteristic of the neighborhood. No more housing is needed here. (Ryan)

Response: Based on the analyses in the EIS, the project would not have a significant adverse impact on the historic character of D.U.M.B.O. or on the overall neighborhood character.

Comment 236: Riverside Houses will be harmed by the increased height of the 360 Furman Street building. No study has been made of the direct impact of the enlargement on the living conditions, light, and noise on this residence. (Stone)

Response: Chapter 6 of the EIS, “Shadows,” analyzed the potential for the project to have significant adverse shadow (i.e., light) impacts on sensitive receptors, including open spaces and historic resources with features or details that are sunlight-dependent and make such resources significant. The increased height of the 360 Furman Street building and its potential impact on the Brooklyn Heights Historic District was considered in this analysis, and it was determined that, given their small size and brief duration, incremental shadows from the addition to this building would not be considered a significant adverse impact. With respect to noise, two receptor sites were located near the complex noted by the commenter. The EIS found that the proposed project would result in no potentially significant off-site adverse noise impacts.

WATER QUALITY AND NATURAL RESOURCES

Comment 237: The increased shadows on the water from the buildings will have impacts on the ecosystem by increasing populations of oxygen-free organisms and inhibiting oxygen-producing plants. (Baer)

Response: The two buildings proposed for Pier 1 would cast shadows on a portion of the shallow water habitat that would be created along the shoreline. Because the shadows would be off the shallow water habitat by mid-morning, significant adverse impacts would not be expected to occur to upland or wetland vegetation that may be planted in this area. The shadow cast on the landscaped areas from the north building on the Pier 1 upland area would be gone by noon throughout the year. The two buildings proposed for the upland portion of Pier 6 would not cast shadows on the interpier area between March and June. In December, when shadows are longest, these two buildings (primarily the taller building) would cast a shadow over portions of the interpier area through noon time. At no time would the entire interpier area be in shadow. At the time of greatest shadow (8:51 AM) cast by the proposed Pier 6 upland buildings and the existing building at 360 Furman Street, about two-thirds of the interpier area would be in shadow. By 11:00 AM, only the northeast corner of the interpier area would be in shadow, and by 12:30 PM, none of the interpier area would be in shadow. The decrease in light intensity during the winter period, when primary productivity and most biological activity are at their lowest levels, would not result in significant adverse impacts to phytoplankton. The tidal currents within the project area would be expected to move phytoplankton through the shaded portions of the interpier area quickly and would not affect primary productivity within this area. Benthic macro algae attached to hard surfaces within in any given portion of the interpier area would not be in shadow long enough to affect the suitability of the attachment location or primary productivity.

As presented in Chapter 10, “Water Quality and Natural Resources,” of the EIS, the proposed project would not result in a net increase in overwater coverage, and would reduce the amount of shade-impacted aquatic habitat currently

present within the project area. Therefore, significant adverse effects to algae and other aquatic plants would not be expected to occur as a result of the proposed project.

Comment 238: The need to destroy two coves that have naturally recurred is disturbing. The walkways will disturb the natural aspects of the cove. The coves should be protected during construction and the walkways should be upland, not in the water. The coves shelter waterfowl and the bridges would reduce this value. (Baer, Buxbaum, CB2, Hahn, McAdams)

If deemed necessary, the bridge from under the Manhattan Bridge to the Con Edison lot should be developed in a manner least intrusive to the current habitat and to not disturb the sediment. (VanderPutten)

The FEIS should reflect the removal from the plan of the two pile-supported bridge/walkways over the two natural coves at the north end of the site. The original walkways described in the DEIS should not remain a permissible possibility in the future. Instead the plan now proposes a better alternative, i.e. a short walkway connecting the Con Ed lot to the inside of the Manhattan Bridge Cove. (Thornton)

Response: Design changes made to the proposed project after submission of the DEIS have resulted in the removal of the pile-supported platform that crosses the cove within the interbridge portion of the project area, and relocation of the pile-supported platform crossing the cove under the Manhattan Bridge, such that it is closer to the shoreline. The FEIS reflects these project design changes.

Comment 239: The pile supported walkway from the DEIS that would cross two coves were removed in the model; these would've had adverse impacts, by stirring up contaminants and altering the structure of the benthic environment. The coves are small contained areas and the pile supports could disrupt their stable erosion/deposition regimes and sedimentation would diminish habitat quality. The scope of the analysis that concluded that the contaminants would dissipate rapidly was restricted to the piers not the coves, where the waters are quieter. The conclusion that the spacing between the piles would not impair the movement of tidal waters and thus not have impacts on littoral zone tidal wetlands is not supported. (Goulder, McAdams)

The potential of construction of the walkways to alter erosion/deposition regimes or stir contaminants needs to be considered or bring contaminants into them. (Thornton, Goulder)

Response: As discussed in the previous response, design changes have resulted in the removal of the pile-supported walkway from the cove between the two bridges. Additionally, the pile-supported walkway through the cove under the Manhattan Bridge has been relocated closer to the shoreline and the length of walkway

crossing over water has been shortened. The FEIS reflects these project design changes, as well as additional design information on the pile spacing for the walkway where available.

Comment 240: Since the walkways over the coves have been removed from the project plan, references to them should be removed from the EIS. (Goulder)

Response: The FEIS reflects the design changes that resulted in the removal of the pile-supported walkway from the interbridge cove and the relocation of the walkway through the cove under the Manhattan Bridge.

Comment 241: The coves play an important ecological role as habitat, floodplain functions, and bioremediation. Construction of the in-water walkways could have a long-term impact on sedimentation patterns that produce the small beaches in the coves. Toxins could be released and be resuspended, affecting the benthic community. (Barrow, Johnson)

Response: As discussed in previous responses, the pile-supported walkway over the cove within the interbridge area has been eliminated from the proposed project. Chapter 10, “Water Quality and Natural Resources,” of the FEIS reflects the elimination of this walkway and the relocation of the walkway through the cove under the Manhattan Bridge. The remaining cove walkway would not impede tidal movement, nor would it be expected to affect the sedimentation pattern within the cove. The results of the hydrodynamic modeling indicate that suspended sediment, and any contaminants released during sediment disturbance associated with pile driving would move away from the area of in-water construction while the activity is ongoing and would dissipate shortly after the pile driving is completed. Therefore, construction of the proposed walkway through the cove under Manhattan Bridge would not result in significant adverse impacts to water quality or aquatic biota.

Comment 242: It is unclear if the wave attenuators were included in the hydrodynamic modeling—it says different things on pages 8 and 9 in chapter 10. Modeling is not the final statement of the effect of wave attenuators. (Buxbaum) It is unclear if wake action was considered in the modeling studies. If they were included, further study is needed to determine how features and areas other than those protected by wave attenuators and wave fences will be affected by them over time. (Goulder)

Wave attenuators increase shading; impede the interchange and aeration of water; increase silting, resulting in changes in biota, increases of anaerobic organisms that emit noxious gases, and changes to the shoreline. (Charton)

According to International Maritime, a manufacturer of wave attenuators, varieties of wave attenuators are made depending on the needs of the customers.

There can be long thin floating walkways or floating piers. Wave attenuators impede the flow of current. Silt builds up behind the attenuator. This would create a marsh if it would not need to be dredged for the marina, which is expensive and would destroy the environment. (Buxbaum)

Wave attenuation will change the flow of the East River. Models need to be used to see the negative effects of water or sediment. You ignore the consequences of holding back tides and currents and the effects of waves and wakes from boats. (Barrow, Nicholas) An analysis of the effect of the attenuators on marine life and the ecosystem of the river and bay is needed. The assertion that they would have no significant adverse impacts on water quality, fish or macroinvertebrates is questionable since the technology has never been implemented in a tidal strait of this magnitude. (Armer, Gruneberg, Markowitz, Nicholas, Vojtisek-Lom)

Response: As presented on page 10-9 of Chapter 10, “Water Quality and Natural Resources,” of the EIS, the hydrodynamic modeling conducted to evaluate potential aquatic impacts from the proposed project projected the circulation and flushing characteristics within the marina and safe water zones both with and without the proposed 10-foot-deep fixed wave fencing under two tidal conditions: minimal tidal variation that occurs under neap tide, and maximum tidal variation that occurs during spring tide. The floating wave attenuators lining the safe water areas, and shallow fixed-wave fencing lining the “new” faces of Piers 2 and 3 were not included in the modeling because they would be placed parallel to tidal action and would not affect flushing within the project area. The results of the hydrodynamic modeling indicated that the wave fences would result in minimal changes to existing circulation and sedimentation processes, and that the operation of the marina would not affect water quality within or near the project area. Because the modeling indicates that flushing due to tidal currents would be strong within the project area both with and without the fixed wave fences, the effects of wind waves and ship wakes on the long-term flushing and sedimentation patterns within the project area would be minimal.

In addition, dissolved oxygen concentrations would be similar to those currently found within the project area and would not result in increases in anaerobic organisms. As discussed in Chapter 10, one of the objectives of the proposed plan is for the Brooklyn Bridge Park project to generate a net environmental benefit. With this in mind, the in-water uses were designed with the goal of not increasing the area of overwater coverage and shading of aquatic habitat currently present within the project area. Shading due to the fixed wave fences were taken into account in calculating the overwater coverage from the proposed project and the existing over-water coverage that would have to be removed in order to meet the no net increase goal.

Comment 243: The DEIS fails to state the effect of wave attenuation on the upstream areas or downstream areas, such as Bargemusic, River Café, waterfront playground in D.U.M.B.O., Brooklyn Navy Yard; the Pier 1 water taxi and the existing D.U.M.B.O. flood plain, or planned water transportation at Piers 7 and 8. (Nicholas)

Response: The hydrodynamic modeling described in Chapter 10, “Water Quality and Natural Resources,” of the DEIS, did evaluate the flushing that would occur upstream and downstream of the safe water areas and marina with the placement of the 10-foot-deep fixed wave fences. At spring tide, the wave fences would have no discernable effect on flushing within or outside the safe water area and marina formed by the wave fences. At neap tide, the effect of the wave fences on flushing was extremely small. Therefore existing or planned in-water or waterfront uses upstream and downstream of the wave fences would not be expected to be affected as a result of the proposed project.

Comment 244: The visible accretion of sediment around Fulton Ferry Pier needs to be addressed. The conclusion that rapid flushing rate of East River waters in the vicinity will prevent sediment accumulation around wave attenuators and fences intended for the piers is questionable. The Fulton Ferry Pier has required dredging. This needs further examination and explanation. (Barrow, Goulder) The constant accumulation of sediment under and around Fulton Ferry Pier should be explained in the light of the hydrodynamic study’s conclusions that the East River’s strong currents will prevent sediment accumulation behind the constructed over-water walkways. (Thornton)

Response: As presented in Chapter 10, “Water Quality and Natural Resources,” of the EIS, dredging of the area around Fulton Ferry Pier is not proposed as part of the project. Dredging would be limited to areas within the safe water zones and the marina and would be conducted as necessary to allow the development of these in water uses. The evaluation of sedimentation within the project area indicated that the park area is currently subject to sedimentation by fine silt and that it generally occurs at an approximate rate of between 0 and 0.35 feet per year (4.3 inches per year) over the project area. The analysis also showed a 0.34 feet/year (4.1 inch per year) erosion near the northeast side and pier headline of Pier 3. The southwest sides of the piers and pier bulkhead areas show the greatest accumulation. The accumulation of sediments around Fulton Ferry Pier is likely due to the configuration of the small inlet that appears to promote the trapping of sediment. This depositional environment would not change as a result of the proposed project.

Comment 245: Transport and possible effects of floatable debris should be studied. (Goulder)

Health and safety concerns regarding refuse in the water and proximity of electric transformers to residents need to be considered. (CB2)

Response: The largest source of floating debris in the waters of New York Harbor is the outfalls from the combined sewer system due to trash and litter being swept into catch basins during rain storms. The New York City Department of Environmental Protection (DEP) has instituted a program to minimize the volume of debris that can enter the combined sewer system, and catch basins are equipped with hoods over the outlet pipe to retain floating debris and sediment traps to hold dirt that washes into the catch basin. DEP policy is to regularly clean and remove the trash at catch basins. The proposed project would add minimal, if any, stormwater to the combined system. The goal of the proposed project is to beneficially use stormwater for irrigation and to supply the constructed wetlands. Therefore, the proposed project would not increase the volume of refuse in the waters of New York Harbor during operations. During construction, such as shoreline enhancement activities associated with the development of the waterfront promenade and shallow-water habitat areas, containment booms would be used to contain floatables.

The potential for the operation of the marina to impact water quality (i.e., operation of the boat fueling and sanitary/pump out stations, accidental discharge of sewage from boats, and the release of oil from boats) was considered in Chapter 10, “Water Quality and Natural Resources,” of the EIS. The analysis concluded that should contaminants associated with the operation of the marina be released to the East River, they would be flushed rapidly and would not result in significant adverse impacts to water quality. Additionally, implementation of best management practices to minimize environmental impacts of marinas, presented in the 2003 NYS Department of Environmental Conservation publication *Environmental Compliance, Pollution Prevention, and Self-Assessment Guide for the Marina Industry*, would minimize water quality impacts that have been attributed to marina operation, including floatable debris. While measures would be taken to minimize the introduction of floatable debris from the marina, the results of the hydrodynamic analysis suggest that this material would be rapidly flushed from the park.

Electric transformers are designed in such a manner that no electricity can “leak” or “escape” into the surrounding area. The dielectric fluids in the transformers are non-hazardous and no longer contain materials such as polychlorinated biphenyls (PCB). Therefore, there is no potential for significant adverse impacts to human health or the environment as a result of the electric transformers that could be a part of the proposed project.

Comment 246: The potential effects of sea-level rise associated with climate change and associated frequent storms should be considered. (Goulder)

Response: As presented in Chapter 10, “Water Quality and Natural Resources,” most of the elements of the proposed project that would be located within the 100-year floodplain are passive recreation areas (i.e., waterfront promenade, shallow-

water habitat, and newly created landscaped areas) that would not impact the floodplain or affect flooding, or be impacted by flooding, of adjacent areas no matter how frequently this area may flood in the future. Additionally, in compliance with 6 NYCRR §502 the design and construction of the residential structures proposed to be located within the floodplain in the upland portions of Pier 6 and Pier 1 would incorporate measures to minimize any potential losses due to flooding. Such measures would include adequate drainage to reduce exposure to flood hazards, elevating the structure above flood hazard level or flood-proofing the lower level, and locating and constructing all public utilities and facilities to minimize or eliminate flood damage.

Comment 247: Additional study is needed to assess the potential of in-water construction along the piers to alter erosion/deposition regimes in nearby natural resource areas, or to carry contaminants into them. The HPA study does not consider construction impacts on sediment transport. (Goulder)

Response: The hydrodynamic modeling discussed in Chapter 10, “Water Quality and Natural Resources,” examined the potential for the fixed wave fences proposed as part of the project to result in changes to sedimentation within and adjacent to the project area. The results of the modeling indicated that there would be little change in sedimentation characteristics, water quality, or aquatic habitat within and adjacent to the project area as a result of the proposed project. The finding that the fixed wave fences would have little effect on the flushing characteristics of the project area was attributed to the fact that the bulk of the flow through the system is parallel to the wave fences.

The evaluation of sedimentation within the project area indicated that the park area is currently subject to sedimentation by fine silt and that it generally occurs at an approximate rate of between 0 and 0.35 feet per year (4.3 inches per year) over the project area. The analysis also showed a 0.34 feet/year (4.1 inch per year) erosion near the northeast side and pier headline of Pier 3. The southwest sides of piers and pier bulkhead areas show the greatest accumulation.

The evaluation of sedimentation with the addition of the proposed wave fences indicated a slight increase in the amount of sedimentation within the project area, with a maximum increase of approximately 0.67 inches per year in small areas between Piers 2 and 3 and in the proposed marina. However, the large majority of the project area, including the cove between the bridges would not be subject to a significant increase in deposition as a result of the proposed fixed wave fences. The analysis did identify a potential erosion area near the southern outboard end of Pier 1 that was attributed to the positioning of the fixed wave fence between Piers 1 and 2. The project design has incorporated additional armoring of the bulkhead with riprap at this location.

As presented in Chapter 10, “Water Quality and Natural Resources,” of the EIS, on the basis of the rapid flushing and low accumulation rates of sediment

identified for the project area during the hydrodynamic analysis, any increase in suspended sediment during in-water construction activities would move away from the area of disturbance and would be expected to dissipate shortly after the completion of the sediment disturbing activity. Similarly, any contaminants released to the water column as a result of sediment disturbance would be expected to dissipate rapidly and would not be expected to result in significant long-term impacts to water quality. Because the results of the hydrodynamic study indicated there would be little change in erosion/sedimentation patterns within and adjacent to the project area as a result of the permanent fixed wave fences, some of which were perpendicular to flow, in-water construction activities would not be expected to result in significant adverse effects to sedimentation characteristics in or adjacent to the project area.

Comment 248: The back-up plan if the Army Corps rejects the plan for the wave attenuators should be described: the model needs to show no negative environmental impact before the project goes forward. (Nicholas)

Response: Any changes required to the proposed project by the U.S. Army Corps of Engineers (USACOE) would be evaluated for potential environmental impacts during the environmental permitting process. Additionally, the USACOE would be required to assess potential environmental impacts resulting from issuing authorizations for the proposed project under Section 404 or Section 10, in compliance with the National Environmental Policy Act (NEPA). Based upon pre-approval meetings held with the ACOE, it is anticipated that approval for the wave attenuators will be granted.

Comment 249: The environmental effects of commercial yachting and floating sidewalks need to be considered. These elements should be scaled back. (Armer)

Response: Chapter 10, "Water Quality and Natural Resources," of the EIS evaluates potential environmental effects of the floating sidewalks during construction and with respect to potential effects of the sidewalks on water quality, and aquatic habitat due to shading. The construction and operation of the floating sidewalks is not expected to result in significant adverse impacts to aquatic resources. No commercial yachting is proposed.

Comment 250: The marina will be polluted with oil and gas spills. It is a bad idea. The marina will have impacts on water quality. (Gruneberg, Lawrence, Vojtisek-Lom)

There was no hard look at the issues related to the marina as implied by page S-19. No significant analysis was done. (Landes)

Response: The potential for the operation of the marina to impact water quality (i.e., operation of the boat fueling and sanitary/pump out stations, accidental discharge of sewage from boats, and the release of oil from boats) was

considered in Chapter 10, “Water Quality and Natural Resources,” of the EIS. This hydrodynamic analysis concluded that should contaminants associated with the operation of the marina be released to the East River; they would be flushed rapidly and would not result in significant adverse impacts to water quality. Additionally, implementation of best management practices to minimize environmental impacts of marinas, presented in the 2003 NYSDEC publication *Environmental Compliance, Pollution Prevention, and Self-Assessment Guide for the Marina Industry*, would minimize water quality impacts that have been attributed to marina operation.

Comment 251: The DEIS provides no analysis of the environmental impact of the demolition of parts of Piers 1, 2, and 3. Their removal could be detrimental to the under-pier environment. (Gruneberg, Vojtisek-Lom)

Response: To Chapter 10, “Water Quality and Natural Resources,” of the EIS, evaluates potential impacts to water quality and aquatic biota associated with the construction of the proposed project, including the removal of portions of Piers 1, 2, and 3. The rapid flushing and slow sediment accumulation rates identified for the project area suggest that any temporary increase in suspended sediment associated with the removal of portions of these overwater platforms would be localized and expected to dissipate shortly after the completion of the sediment disturbing activity.

Comment 252: The project will hurt habitat spawning ground because of construction required in the East River. Fish populations could decrease. Construction could affect erosion/deposition regimes. (Barrow, Berger)

Response: Chapter 10, “Water Quality and Natural Resources,” of the EIS evaluates the potential for the construction of the proposed project to affect the fish community (including those expected to spawn within the project area) and sedimentation within the project area. As presented in response to previous comments, the hydrodynamic modeling examined the potential for the proposed project to result in changes to sedimentation within and adjacent to the project area. The results of the modeling indicated that there would be little change in sedimentation characteristics, water quality, or aquatic habitat within and adjacent to the project area as a result of the proposed project. As presented in Chapter 10, the proposed project would result in benefits to fish habitat, including Essential Fish Habitat, by not increasing the amount of overwater coverage and potentially decreasing shade-impacted areas by removing portions of existing decking and relieving platforms, and by sizing platforms and walkways such that there is a potential for light to reach the underlying aquatic habitat. The increased diversity of aquatic habitats that would result from the proposed project (e.g., creation of pile field, shallow-water habitats, and replacement of existing bulkhead with riprap) would benefit fish that use this

portion of the East River. If deemed necessary by the State and Federal permitting agencies, permitting requirements will include seasonal construction moratoriums to further protect fish spawning and overwintering habitats.

Comment 253: The New York Academy of Sciences determined that the 100 year floods are occurring every 15 to 30 years. The DEIS does not consider this and is thus flawed. (Buxbaum)

Response: As presented in Chapter 10, “Water Quality and Natural Resources,” most of the elements of the proposed project that would be located within the 100-year floodplain are areas that will be able to withstand flooding (i.e., waterfront promenade, court sports areas, and shallow-water habitat). This would not impact the floodplain, in fact it would increase water infiltration in some areas by changing the surface material from pervious to impervious (i.e. shallow water habitat areas), thus reducing flood effects downstream. Also, it would not affect flooding of adjacent areas no matter how frequently the area currently defined as the 100-year floodplain by the Federal Emergency Management Agency (FEMA) is flooded in the future. Also, by using the hills and landforms planned for in the design, the park planting would be elevated above the 100 year flood plane, thus reducing salt issues for planting.

Comment 254: Housing should not be built in a floodplain. (Konheim) The John Street site is located in the 100 year floodplain. It is subject to severe flooding and is vulnerable in hurricanes. (Brookhart, Hillis, Siegel)

Response: As discussed in Chapter 10, “Water Quality and Natural Resources,” in compliance with 6 NYCRR §502 the design and construction of the residential structures proposed to be located within the floodplain in the upland portions of Pier 6 and Pier 1 would incorporate measures to minimize floodplain impacts and losses due to flooding. Such measures would include adequate drainage to reduce exposure to flood hazards, elevating the structure above flood hazard level or flood-proofing the lower level, and locating and constructing all public utilities and facilities to minimize or eliminate flood damage.

Comment 255: Chapter 10 addresses the impact on Hudson River Estuary fisheries very lightly. Sampling was only taken once on the site. Other sampling is over 15 to 20 years old and not all in the Hudson River Estuary area. The river has changed in this time period and many species are present because of clean-up efforts that were not before. A current study is needed. (Buxbaum)

Response: The description of the aquatic community presented in Chapter 10, “Water Quality and Natural Resources,” includes results of sampling in the vicinity of the project area reported by the USACOE in 1999 in addition to the results of earlier studies. Major improvements to the water quality of the Harbor Estuary, including the East River, indicated by lower fecal coliform bacteria

concentrations and higher dissolved oxygen concentrations, occurred in the mid-to late-1980s. These improvements were primarily due to regional decreases in municipal and industrial discharges that occurred through the construction and upgrading of water pollution control plants. While water quality continued to improve until the early 1990s, since that time, improvements have been relatively small. Therefore, results of fish sampling conducted from the 1990s through the present can be used to characterize the fish community within the East River and in the project area. In meetings with state and federal regulatory agencies held early in EIS process, the existing body of information on the aquatic community of the East River was considered sufficient for describing the aquatic community within the project area and the East River and assessing potential impacts to this community from the proposed project.

Comment 256: The model used to determine that the construction activity and the park itself would have little impact on the water quality and biota is not clarified. (Buxbaum)

Response: The hydrodynamic modeling described in Chapter 10, “Water Quality and Natural Resources,” of the EIS used numerical models of the East River and the Brooklyn Bridge Park project area that were developed by configuring two models available in the public domain. NearCoM was used to develop the two-dimensional test model used to help establish the water surface level offset needed to simulate the residual current of the East River (net flow averaged over several tidal cycles that tends to transport material from Long Island Sound towards New York Harbor). ECOMSED was configured and implemented to perform the three-dimensional current, flushing and sediment transport numerical studies. Bathymetry data input into the modeling was derived from an existing National Oceanic and Atmospheric Administration (NOAA) database (GEODAS), high-resolution side-scan sonar data collected within the inter-pier areas of the project area, and dive inspection reports of the underpier areas of the project area. Sedimentation rates input into the model were derived from depth surveys conducted by the Port Authority of New York and New Jersey (PANYNJ) as part of its facility inspection program. This information will be included in the FEIS.

Comment 257: Chapter 10 has flaws, is based on generalized, regional and outdated data, and cursory observation. Site-specific information is needed. Its conclusions are misleading and need correction. (Barrow, Goulder)

The Natural Resources chapter has shortcomings. It does not provide information to support the conclusion that there would be no negative impact. (Buxbaum)

The maps on the CD for Chapter 10 were almost impossible to read. Parts of the maps are deleted when you print because of sizing. (Buxbaum)

The DEIS lacks substantive studies on biological features and ecological workings of the waterfront shoreline. Official bird counts are needed. (Barrow)

Response: Please see the response to the previous comment with respect to the use of existing data. Chapter 10, “Water Quality and Natural Resources,” presents the reasoning used in the determination of potential impact for each resource category evaluated. The description of avian use of the shoreline area was based upon information compiled by NOAA with assistance of biologists and resource managers from NYSDEC and NJDEP and other agencies. Because the shoreline habitat would be limited to use as foraging and resting habitat by waterfowl and wading birds, the use of existing information to describe the use of the waterfront shoreline is considered appropriate. Additionally, the increase in diversity of shoreline habitats that would result from the proposed project would be expected to result in increased use of the shoreline within the project area by waterfowl and wading birds, as discussed in Chapter 10.

Comment 258: The conclusion that the north end of the park is “relatively low quality habitat” is not supported by observations of birds and butterflies and fish and marine species. (Barrow, Goulder) The EIS says there is no natural habitat. This is not correct. (CB2)

The EIS needs to acknowledge the site’s naturally formed coves are valuable as a highly productive habitat. They are not “relatively low quality” habitat compared to an inner city urban area. The DEIS analysis of existing habitat in the area of the coves is based on generalized regional information and cursory observation and does not do justice to what is there. These naturally-formed coves, with their natural beaches, are a rarity in this urban setting where shorelines are otherwise lined with bulkheads for miles around. The habitat they provide is diverse and highly productive, and can only be expected to improve as water quality in this area of the harbor/estuary continues to improve. (Goulder)

Statements that the site’s terrestrial and avian wildlife are generally limited to species tolerant of urban conditions undervalue the quality of the site’s habitat. The list of plants identified as invasive species typical of disturbed areas is misleading since it includes some early successional native species that are generally considered of significant habitat value. (Goulder)

Response: The reference to the relatively low-quality terrestrial habitat found within the existing Empire-Fulton Ferry State Park and Main Street Park presented on page 10-44 of Chapter 10, “Water Quality and Natural Resources,” of the DEIS is under the heading “Terrestrial Resources,” and refers only to terrestrial wildlife habitat. The maintained grass, forb and shade tree habitat that characterizes these two park areas is an example of a community that is maintained by human activities. These areas provide habitat for wildlife and insects, although it is of low diversity and therefore support a wildlife community of limited diversity.

Species found here are generally those tolerant of human activity, such as gray squirrel, American robin, mourning dove and mockingbird.

The discussion of potential construction-related impacts to terrestrial resources on page 10-44 of the DEIS did not intend to imply that the coves are “relatively low quality” habitat, as they were identified as providing resting and foraging habitat for shorebirds and waterfowl in the discussion of existing conditions (page 10-29). The introduction to the discussion of potential impacts to terrestrial resources during construction has been revised for the FEIS to clearly identify the area being referred to as relatively low-quality habitat. As presented in Chapter 10 of the EIS, the proposed project would not affect the habitats present within the two coves. As discussed previously, design changes have resulted in the removal of the pile-supported walkway from the cove between the two bridges. Additionally, the pile-supported walkway through the cove under the Manhattan Bridge has been relocated closer to the shoreline and the length of walkway crossing over water has been shortened. The FEIS reflects these project design changes.

Comment 259: The park will provide connections and interaction with the water and create new intertidal habitat and recreational facilities. (Griffin)

Response: Comment noted. Chapter 10, “Water Quality and Natural Resources,” describes the modifications that would be made to the shoreline as a result of the proposed project, and the benefits to aquatic resources and to birds.

Comment 260: Converting unused piers to a green public park will improve environmental conditions and ecological health and provide opportunities for nature education. The park will be an educational resource. (Barrow, Goulder, Stanton)

Response: Comment noted. Chapter 10, “Water Quality and Natural Resources,” describes the increased habitat diversity that would result in upland portions of the project area as well as with respect to aquatic areas. This improved habitat will result in increased use of the area by terrestrial and aquatic organisms and promote passive recreational opportunities such as bird watching and observation of fish and benthic macroinvertebrates.

Comment 261: The DEIS violates the spirit of the Clean Water Act, the FWPCA, which aims to restore and maintain the chemical, physical and biological integrity of the nation’s waters. It does not attempt to protect and enhance the biota of the East River. (Buxbaum)

Response: As presented in Chapter 10, “Water Quality and Natural Resources,” of the EIS, the proposed project has been developed to minimize potential impacts to aquatic resources. The assessment of potential impacts to aquatic resources presented in Chapter 10 concludes that the construction and operation of the

proposed project would not be expected to result in significant adverse impacts to water quality and aquatic organisms. In-water construction activities will require authorization from the USACOE under Section 404 of the Clean Water Act, and will be conducted in accordance with conditions issued with this authorization to minimize potential impacts to aquatic resources. In addition, the chapter describes that the proposed project would benefit aquatic resources such as through the creation of the pile field and new riprap that would increase the diversity of aquatic habitats available within the project area.

Comment 262: The comparison of shaded areas in the plan and those that exist now may be flawed. The recurrent smaller areas of shading may, in fact be more deleterious than just large areas of shading and light. Fragmentation may be harmful here. (Buxbaum)

The no net increase in shading is caused by the removal of parts of Piers 1, 2, and 3, thus shading is not studied. (Vojtisek-Lom)

Response: As presented in Chapter 10, “Water Quality and Natural Resources, at page 10-41, the amount of area shaded by an over water structure will be affected by the height of the structure, width, construction materials, orientation to the arc of the sun and piling density. The proposed 10-foot (fixed pile walkway) and 12-foot wide floating walkways would allow some light to reach the water column and mudline under these structures. The resulting area of shading under these structures would be narrow, and less extensive than the shading under Piers 1, 2, and 3. As presented in Chapter 10, overwater coverage of individual elements will be refined as the project design progresses to maintain an overwater coverage no greater than what is currently present for feeding and refuge.

Comment 263: No detail was provided on the Storm Water Management Plan. (Buxbaum)

Response: As presented in Chapter 10, “Water Quality and Natural Resources,” a stormwater pollution prevention plan (SWPPP) will be prepared for the proposed project. In compliance with State Pollutant Discharge Elimination System (SPDES) General Permit # GP-02-01, the SWPPP must be prepared prior to the planned start of ground-disturbing activities and will include erosion and sediment control measures, and stormwater management measures to be implemented during and post construction. It is not required for the EIS.

Comment 264: The plan contains innovative stormwater management that will capture and reuse water with detention and retention ponds. Increasing permeable surface is essential to urban development as our sewage systems are already strained. Significant reduction in stormwater runoff from the site will improve water quality in the harbor. (Barrow, Talbot)

Brooklyn Bridge Park FEIS

Response: Comment noted. Chapter 10, “Water Quality and Natural Resources,” discusses the potential positive effects to water quality resulting from the management of stormwater within the project area. See also the response to the previous comment.

Comment 265: The park respects the existing habitat, e.g. the natural cove in the north end by removing the walkways. (Goulder)

Response: Comment noted.

Comment 266: The over-water walkways will be a deterrent to birds. (Barrow)

Response: As discussed in previous responses, design changes have resulted in the removal of the pile-supported walkway from the cove between the two bridges. Additionally, the pile-supported walkway through the cove under the Manhattan Bridge has been relocated closer to the shoreline and the length of walkway crossing over water has been shortened. The FEIS reflects these project design changes.

Comment 267: The natural resources chapter talks about dissipation of contaminants, but this conclusion was drawn based on the rapid water of the piers, but this would not happen on quiet water. Plenty of living things would have been disturbed. The DEIS states in the Waterfront Revitalization Program that this would be a problem. (Goulder)

Response: As presented in Chapter 10, “Water Quality and Natural Resources,” the results of the hydrodynamic modeling indicate there would be little change in flushing resulting from the development of the safe water areas. Furthermore, no such statement is made in the DEIS. On the contrary, the EIS states that any contaminants accidentally released as a result of marina operations would be flushed rapidly and would not result in significant adverse impacts to water quality in or adjacent to the project area.

Comment 268: True restoration of habitat is needed. Access to natural areas should be designed to minimize disturbance. Plantings should have food value for birds. Migrating birds should be disturbed as little as possible and visitors should be monitored. Buildings should be designed to reduce dangers to birds, such as with non-reflective glass or judiciously placed plantings. Lights at park buildings should be turned off at night. (McAdams)

Response: As presented in Chapter 10, “Water Quality and Natural Resources,” one of the goals of the proposed plan is to create the maximum number of sustainable, functioning habitats at the Brooklyn Bridge Park that would function as an ecological cohesive whole and need only modest management to ensure their long-term survival. With that goal in mind, the proposed plan includes the

development of a variety of terrestrial habitats using native plant species. The examples of habitats proposed to be developed within the park, dune, marsh, coastal woodland, shrubland, wildflower meadow, and freshwater swales, would provide forage for birds.

Comment 269: If the park management is a State agency, the DEIS has not demonstrated that the project complies with the State Coastal Erosion Management (CEM) rules Part 505.1 Purpose, (d) Public investment in services, facilities or activities that are likely to encourage new permanent development in flood hazard areas is restricted. A CEM permit may only be issued under 505.6 (a) if the regulated structure (which would include the proposed housing) is “reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shore line location.” (Konheim)

Response: 6 NYCRR Part 505 Coastal Erosion Management regulates activities within coastal erosion hazard areas identified on the coastal erosion hazard area maps generated by DEC. No coastal erosion hazard areas have been mapped within the project area.

Comment 270: The DEIS fails to demonstrate compliance with Executive Order 11988, May 24, 1977, 42 F.R. 2695, intended to “avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” (Konheim)

Response: Section 1 of Executive Order 11988 orders each agency to “...take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands, and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resource planning, regulating, and licensing activities.” While the proposed project will require authorization for in-water activities by the USACOE, these in-water activities would not affect the floodplain. Therefore, the proposed project would be consistent with Executive Order 11988. In addition, as discussed above and as presented in Chapter 10, “Water Quality and Natural Resources,” most of the elements of the proposed project that would be located within the 100-year floodplain are passive recreation areas (i.e., waterfront promenade, shallow-water habitat, and newly created landscaped areas) that would not impact the floodplain or affect flooding of adjacent areas no matter how frequently this area may flood in the future. In compliance with 6 NYCRR §502 the design and construction of the residential structures proposed to be located within the floodplain in the upland portions of

Pier 6 and Pier 1 would incorporate measures to minimize losses due to flooding. Such measures would include adequate drainage to reduce exposure to flood hazards, elevating the structure above flood hazard level or flood-proofing the lower level, and locating and constructing all public utilities and facilities to minimize or eliminate flood damage.

Comment 271: There is no indication that the bathymetric survey performed for the March 2005 DMJM report was used in the natural resources analysis or that there is any site specific survey of benthic (bottom) organisms. The DEIS must do so and not rely on ancient data that does not reflect recent improvements in water quality and ecosystems. (Konheim)

Response: Bathymetry information used as part of the analysis presented in Chapter 10, "Water Quality and Natural Resources," was the same as that used for the hydrodynamic analysis. The bathymetry data used in the modeling was derived from an existing NOAA database (GEODAS) high-resolution side-scan sonar data collected within the inter-pier areas of the project area, and dive inspection reports of the underpier areas of the project area. Sedimentation rates input into the model were derived from depth surveys conducted by the Port Authority of New York and New Jersey (PANYNJ) as part of its facility inspection program. This information is included in the FEIS.

Comment 272: The extent of proposed disturbance is enormous; between 750 and 1,000 piles are proposed to be installed. There is the possibility of significant impact even though the EIS denies this, but presents no quantitative results of its modeling. (Konheim)

Response: As presented in Chapter 10, "Water Quality and Natural Resources," the estimated 750 to 1000 piles would not be installed concurrently but would instead be installed using two pile-driving rigs over a one to two-year period because of seasonal windows (periods where in-water activities are not permitted) typically imposed by regulatory agencies. Each rig would be able to drive 4 or 5 timber piles per day, and one or two steel pipe or concrete piles a day. The length of time for driving each timber pile would be less than an hour or two. Because both rigs would operate in the same portion of the project area, moving to the next in-water construction area when pile installation is complete, the area of aquatic habitat affected by pile driving would be minimized at any given period of time and nearby areas of suitable habitat for fish would be maintained. Furthermore, the results of the hydrodynamic modeling indicated that suspended sediment originating from in-water construction activity would dissipate from the project area within two hours and in most instances within an hour or less, further minimizing the potential for significant adverse impacts to aquatic resources.

Comment 273: There is no specific analysis of the effect of removing 2.5 acres of platform from Pier 1 and nearly an acre of platform from Piers 2 and 3. The calculation in the DEIS of a 0.6 acre net increase in unshaded water assumes not only that there is a 1:1 value of existing and new fish habitats, but the DEIS asserts the new habitats will be more productive. Without site specific data and references to demonstrations of the effects of such changes at representative sites, this is mere speculation. (Konheim)

Response: NYSDEC generally requires mitigation for projects where there is a net increase in over-water shading. Hence, for regulatory purposes it is assumed that shaded areas are of reduced habitat value when compared to unshaded areas. Additionally, as presented in the EIS, shading of estuarine habitats could adversely affect the use of these areas as foraging habitat for fish that are sight feeders. Therefore, removal of overwater structures would result in improved habitat value.

Comment 274: No study to impacts on Peregrine Falcons, which nest in the area, was conducted. The EIS is incorrect in its assertion that the birds do not nest for life. (Stone)

Response: Chapter 10, "Water Quality and Natural Resources," does assess potential impacts to peregrine falcons, and the nesting location within the project area. This chapter does not assert that the birds do not nest for life. As presented on page 10-26 of the EIS, the New York Natural Heritage Program (NYNHP) records indicate that peregrine falcon have nested within the project area within the last 10 years but nesting has not occurred every year during this period. The proposed project would not be expected to affect the availability or suitability of the nesting location within the project area and the development of the proposed natural habitats within the park have the potential to increase the prey availability within the project area.

HAZARDOUS MATERIALS

Comment 275: The EIS does not mention the clean-up needed for the John Street site or how it will be achieved. It is a brownfield. (Lowy, Stone)

The John Street site should not be developed in light of environmental and toxic issues. (Ryan)

The Hudson Avenue Consolidated Edison Site adjacent to the John Street site regularly has safety explosions and other emergency responses. (Hillis)

The John Street site is adjacent to a waste transfer station and Superfund Amendments and Reauthorization Act (SARA) facility that stores toxic materials and that requires an evacuation plan and listing with the Toxic Release Inventory. (Hillis)

Response: A subsurface investigation was performed for the John Street site in 1997. Results of the investigation revealed the presence of petroleum compounds in the soil samples, which in some cases exceeded the New York State soil cleanup objectives. These results were submitted to the NYSDEC for review and additional sampling was requested by the NYSDEC to more completely characterize the contamination at the site prior to making a determination regarding remedial issues. In 2004 the requested additional testing was performed, the results of which were generally consistent with the results of the earlier study.

Prior to development of the site, areas where known petroleum-contaminated soil was discovered would be further delineated, excavated and transported off-site for disposal as petroleum-contaminated material in accordance with regulatory protocols and in consultation with the NYSDEC.

Levels of contaminants reflective of poor quality urban fill material were also encountered throughout the site during the Phase II investigation. Such soil, if excavated for site development, would need to be managed and disposed of in accordance with all applicable federal, state and local regulations. Existing fill remaining on-site would be either covered with two feet of certified clean fill or capped with concrete or asphalt pavement, buildings or other permanent structures to prevent potential exposure to the public. Although the Phase II study did not reveal significant adverse impact to groundwater, if groundwater contamination is discovered during site development activities, additional remedial measures would be implemented as required by NYSDEC to mitigate such impacts.

The waste transfer station across the street from the 1-11 John Street site, which processes paper wastes, was not listed on any of the regulatory databases searched as part of the Phase I. The site is not expected to impact the health and safety of occupants at the 1-11 John Street property.

The operation of Con Edison substations, such as the adjacent Hudson Avenue Con Edison site, involves the use of a wide range of products and chemicals, including dielectric fluid for transformers and cables, lead-acid batteries, diesel fuel for emergency generators, and many others, some of which are common household items. Con Edison has an extensive program of chemical approval and reporting, communication of hazards, and training of employees in the use and hazards of chemicals. All chemicals and products used must go through a variety of reviews, including a health and safety review and an environmental review by Con Edison's Environment, Health and Safety Department. The chemical or product can only be used after it is approved for system use. Con Edison also has programs in place to reduce the use and storage of hazardous chemicals and to deal with spills and other emergencies that may arise; and conducts drills on response plan utilization on a periodic basis to assure that

employees are familiar with these plans. Therefore, there would be no significant adverse impact related to hazardous materials.

Comment 276: Investigate the need for hazardous materials remediation and in the water around and under the piers. (Leung) The site must be further reviewed in order to ensure that it is free from contamination. If it is discovered later it will stall the GPP. (Bystryn)

Response: As described in Chapter 11, "Hazardous Materials," a Phase II investigation was designed to investigate areas of the site where, based on the Phase I study and previous investigations conducted at the site, contamination was most likely present. Results of the investigation identified areas where petroleum and other contaminant concentrations were above regulatory guidelines. The identified contamination will be further delineated and remediated in accordance with the NYSDEC requirements prior to any site development activities. If unknown underground storage tanks are discovered at the site, the tanks will be removed and any associated contamination will be properly delineated and remediated. Nonetheless, more localized areas of subsurface contamination from former on-site operations may be present in areas of the site not targeted by the subsurface investigations. To address these potentially impacted areas and to prevent adverse impacts to workers and nearby residents, all excavation and construction work involving soil disturbance during proposed development of the site would be performed under a Construction Health and Safety Plan (CHASP). The CHASP would be designed to ensure that the construction workers, the surrounding community, and the environment are not adversely affected by potential contamination exposed by the construction activities.

As presented in Chapter 10, "Water Quality and Natural Resources," the proposed project would not affect the current sedimentation pattern within the project area and would not result in a resuspension of sediment currently under the piers. Additionally, the results of the hydrodynamic modeling presented in Chapter 10 indicate that any contaminants released to the water column as a result of sediment disturbance from in-water construction activities would be expected to dissipate rapidly and would not be expected to result in significant long-term adverse impacts to water quality or aquatic biota.

Comment 277: The Port Authority did not provide the results of the soil samples at Piers 2-5. It just states that the soil was not contaminated with petroleum. The Port Authority also did not provide the closure reports for underground storage tanks at Pier 6. The DEIS needs to contain more information to support the claim that the environmental conditions at the site would be remediated prior to operation of the proposed park. Without the information from the Port Authority reports, the public cannot be sure that all potentially hazardous materials on site were identified. The information should be provided in the FEIS. (Nelson)

Response: Although soil sample results associated with past storage tank closure activities at Piers 5, 4, 3, and 2 conducted by the Port Authority were not available, more recent soil and groundwater testing was conducted as part of the Phase II Investigation in these areas for the proposed project. Volatile compounds and semi-volatile organic compounds detected in some soil samples indicated that pockets of petroleum-contaminated soil associated with the former storage tanks or general past operations may be present near the Pier 5 maintenance garage. Such localized areas of petroleum-contaminated soil would be delineated and remediated in compliance with all applicable Federal, State and local regulations as part of development of the proposed project. No significant groundwater contamination was identified. To prevent adverse impacts to workers and the surrounding community, all excavation and construction work involving soil disturbance in areas of known former underground storage tanks will be performed in accordance with an environmental construction health and safety plan (CHASP). The plan would specify the appropriate testing and/or monitoring by field personnel during construction and excavation activities and detail appropriate measures in the event that underground storage tanks and any associated soil and groundwater contamination are encountered, including notification of the proper regulatory agencies as necessary and clean-up under regulatory guidance.

An underground gasoline storage tank was identified on the western side of the garage on Pier 6. The tank was no longer being used, but there is no available documentation to indicate if an official closure of the tank was conducted. The Phase II investigation at the site included the analysis of soil and groundwater samples collected from the Pier 6 tank area. Results of the testing identified the potential for subsurface petroleum impact from the tank. As part of the park development, this tank would be removed in accordance with all applicable Federal, State and local regulations. If soil contamination is encountered during the removal activities, NYSDEC would be notified of a spill, and the contaminated soil would be delineated, excavated and transported off-site for disposal as petroleum-contaminated material in accordance with regulatory protocols. If associated groundwater contamination is discovered, additional remedial measures may be implemented as required by NYSDEC to close the spill. No other underground tanks were identified for the Pier 6 area.

Comment 278: Proposed dredging should be added to the hazardous materials section, including deposition of dredged materials. (Markowitz)

Response: Dredging is discussed in Chapter 10, “Water Quality and Natural Resources” of the EIS. Dredging (5,000 to 8,000 cubic yards) would be limited to areas within the safe water zones and the marina. Any impacts to water quality or aquatic biota that may occur from this minimal dredging activity would be temporary and localized. Water quality impacts would be expected to dissipate shortly after the completion of the dredging activity and fish and macroinvertebrates would

be expected to reoccupy these areas. Therefore, significant adverse impacts would not be expected to occur to water quality or aquatic biota as a result of dredging. No dredged material would be disposed of at the site. All dredged material would be disposed on in accordance with applicable regulations.

Comment 279: The National Cold Storage buildings contain ammonia or ammonia gas. The release upon demolition was not studied and no mitigation was planned. (Stone)

Response: If any ammonia-containing equipment is located inside the National Cold Storage buildings, it will be properly decommissioned or removed in accordance with all applicable regulations prior to any proposed renovation or demolition activities.

Comment 280: A large portion of the park budget will be spent remediating the piers when toxic spills are discovered. The pilings for the hotel will require copper coatings. (Stone)

Response: The piers constructed on piles over water are not expected to require remediation with respect to toxic spills. Remediation of spills encountered during site development could be expected on the upland areas of the project site. Site development activities will be conducted under the guidance of a site-specific Construction Health and Safety Plan (CHASP), which would detail the appropriate measures necessary to address and mitigate any contamination discovered.

The hotel would be constructed on the upland area of the site. Copper coating of pilings is typically associated with pilings supporting structures constructed over water. Based on the results of the Phase II study, the remediation costs are currently not expected to be a large portion of the park budget.

WATERFRONT REVITALIZATION PROGRAM

Comment 281: The coves provide areas with special views. Locating a raised walkway in the river will slice the view for the sake of creating an alternative walkway. This violates the WRP policies of protecting visual access to the waterfront and protecting scenic values associated with natural resources. The walkways would cut the beaches, waters, and uplands from their surroundings. They would also interfere with current uses of the park at this location. (Barrow, Goulder, Johnson)

Response: As described in Chapter 12 of the EIS, the proposed project would be in conformance with the Waterfront Revitalization Program (WRP). The proposed project would provide new visual access to the waterfront as well as maintaining existing view corridors. None of the proposed buildings would penetrate a view plane within the Special Scenic View District mapped across most of the project

site and new buildings would be located so as not to obstruct view corridors extending from the upland streets. In addition, as explained in Chapter 12, the proposed project would add new natural habitats to the project site, including dunes, marshland, shrubland, meadow, and coastal forest, which would enhance the natural resources and their scenic value on the project site. The scenic value of the site would be opened to the public as part of the proposed project, allowing for scenic views of the waterfront, the East River, and the harbor.

Comment 282: Development plans for the 360 Furman Street site are consistent with DCP approaches to waterfront development. (Levine)

Response: Comment noted.

Comment 283: The discussion of WRP Policy 2.2 states that the project site is not appropriate for working waterfront uses. This statement should be modified as the site has historically been used for working waterfront uses. The policy analysis should reflect this historic use and then go on to describe why this use is no longer viewed as appropriate at this site, such that working waterfront uses are to be discontinued. Discussion and information from the development history in Chapter 1 could be used to help you address this in the policy analysis. (Ridler)

Response: The Waterfront Revitalization Program chapter has been updated to incorporate a discussion of historical working waterfront uses on the project site and the site's inability to continue as a working waterfront.

Comment 284: The discussion of Policy 9.1 focuses on ensuring that construction activities do not damage historic resources in the area, but does not discuss the visual impact of a fully-constructed park in key viewsheds and in views from key vantage points. These should be analyzed and discussed in the context of Policy 9.1. Discussion from various other chapters of the DEIS address these issues and could be used to help you discuss the visual impacts in your policy analysis, including Chapter 1 Project Description, Chapter Land Use, Zoning and Public Policy and Chapter 8 Urban Design and Visual Resources. (Ridler)

Response: The Waterfront Revitalization Program chapter has been updated to incorporate a discussion of visual impacts from the proposed project.

Comment 285: The lead agency did not exercise its discretion and acted unreasonably in not designating the site as a Critical Environmental Area. Such actions are permitted by state agencies for geographic areas that are owned or managed by the state or are under its regulatory authority and have exceptional or unique character related to its natural setting, as does the project site. The EIS thus violates the requirement to an evaluation of the potential adverse environmental impacts at a level of detail that reflects the severity of the impacts and the reasonable

likelihood of their occurrence. Had the CEA been designated the EIS would have had to study and evaluate in greater detail the severity of the traffic, noise and parking impacts, as well as the cumulative, long-term, direct and indirect impacts of current real estate development projects in the area. (Defense Fund)

Response: SEQRA provides that a state agency may designate as a Critical Environmental Area (CEA) a specific geographic area that is owned or managed by the state or is under its regulatory authority. The proposed Brooklyn Bridge Park site is not currently owned, managed, or under the regulatory authority of BBPDC, and therefore BBPDC does not have the authority to designate it as a CEA. In addition, the analyses contained in the EIS would comport with the requirements associated with any such designation.

INFRASTRUCTURE

Comment 286: The DEIS does not mention the lack of sewage disposal for 360 Furman Street. If effluent is added, this could increase flooding and sewer backups in the immediate area. There are no plans to have this building comply with the regulations of any political entity. It predates the Clean Water Act and is grandfathered in. (Charton)

Response: As a matter of New York City law and regulations, the conversion of 360 Furman Street would have to adhere to New York City Department of Environmental Protection's regulations for sanitary and stormwater disposal. These regulations are intended to prevent flooding and sewer backups. A building undergoing renovation is not exempt or grandfathered from these regulations.

Comment 287: The DEIS does not address the large increase in waste water that would result from the conversion of 360 Furman Street to housing or from the other proposed residential structures. (Charton)

Response: The projected water usage and therefore the sanitary sewage generation from the conversion of 360 Furman Street and all other elements of the project are included in Table 13-2.

TRAFFIC AND PARKING

TRAFFIC

Comment 288: Traffic flow needs to be examined in greater detail. Cumulative development must be considered. The EIS oversimplifies this analysis. Assumptions are questionable, as it does not consider areawide mitigation and improvements. (Armer) A cumulative impact of new sources of traffic must be undertaken. (Steber, Van Slyke)

Response: The traffic analysis in the EIS was prepared in conformity with the *CEQR Technical Manual* and the Final Scope of Work, and considered all appropriate No-Build projects. The traffic analysis was conducted over a broad area and analyzed 49 intersections, including major travel corridors. The analysis determined that there would be two intersections with significant adverse impacts that could not be mitigated. The identification of the practicable mitigation measures is set forth in Chapter 19 of the EIS. Consideration of areawide mitigation and improvements, whose implementation is uncertain, and within the jurisdiction of other agencies, is beyond the scope of this EIS.

Comment 289: The 2012 build year does not account for the Downtown Brooklyn Rezoning project with a Build Year of 2013. Twelve of the 14 projects assumed in the Downtown Brooklyn Development Plan for Phase I are ignored. The traffic is underreported as it does not consider or account for the arena development or the 15 million square feet of new development from Downtown Brooklyn development that will double traffic or the upzoning of Fourth Avenue. 40,000 weekday vehicle trips per day in Downtown Brooklyn are not accounted for. The Build Year should be 10, 20 or 30 years into the future. This affects road and transit capacity, access and the quality of life and parking demand. (M. Adams, Ketcham, Konheim, Van Slyke)

Response: SEQRA and CEQR do not require the consideration of projects beyond the build year of the proposed project (in this case 2012). Nonetheless, the FEIS traffic analysis has been expanded to include two major projects whose build years are after 2012; notably, the Downtown Brooklyn Rezoning and the Atlantic Yards Project.

Comment 290: The studies failed to take into account increases in traffic that would result from changes in the neighborhood surrounding the park. A small mention was made of the Downtown Brooklyn plan, but no examination was made of the increased traffic flow on Old Fulton and Furman Streets resulting from the soon to be opened Fairway and Ikea stores and passenger ship piers, all of which take place in Red Hook, as well as the future rebuilding of the Brooklyn-Queens Expressway. Old Fulton and Furman Streets will be the chosen path for those arriving from Manhattan, Queens, and much of northern and eastern Brooklyn. The DEIS states that data from other downtown Brooklyn projects were utilized to prepare this traffic analysis. The most recent of the relied upon reports was done in 2003. Calendar year 2004 and the first half of calendar year 2005 saw several large projects come to fruition in downtown Brooklyn, (including, but not limited to, the Brooklyn Law School dormitory, the Courthouse apartment building with retail space and a YMCA, and the Federal Courthouse building). The study should also account for tour buses that frequent the area. This needs to be reexamined. (Defense Fund, Konheim, Steber, Thornton, VanderPutten, Wallach)

You have to consider other projects that bring traffic to the area. (Simon 6)

Response: Chapter 2, “Land Use and Zoning,” provides a list of the No-Build projects. The traffic analysis in the FEIS has expanded the list of No-Build projects to include the Downtown Brooklyn Rezoning, IKEA, Atlantic Yards, Pier 12, and various other smaller development projects. The traffic analysis accounts for the total number of vehicles in the traffic network and the range of vehicle types.

Comment 291: Some of the No-Build projects are not characterized in terms of trip production and others are designated as to be determined. Thus, some No-Build properties are not accounted for. (Ketcham)

Response: See Response to Comment 290.

Comment 292: Baseline traffic data must reflect growth from levels that occurred prior to 9/11 that were higher than reported in recent Brooklyn EISs on which this analysis was based. (Ketcham)

Response: The baseline traffic network was based on traffic counts collected in 2003 and 2004. The background growth rate used to determine the No-Build background traffic in the future 2012 was 0.5% as recommended by the *CEQR Technical Manual*.

Comment 293: Sites A and B (City University Projects) that are assumed in the No Build condition are significantly downsized from earlier reports. Has the City University development been downsized or will the remainder of it be developed later than 2013? (Ketcham)

Response: The information on these No-Build projects is consistent with that presented in the Downtown Brooklyn Rezoning FEIS.

Comment 294: A full characterization of No Build conditions must be provided for review, including what development was actually accounted for, their trip generation characteristics, model split, percent in peak hour, assignments. (Ketcham)

Response: Where applicable, the detailed traffic estimates and environmental analyses prepared for the major No-Build projects have been incorporated into the EIS.

Comment 295: Total auto trips are underreported. Since the park is far from public transport a higher percentage of auto trips should be expected. The estimates need revision based on surveys of representative sites like River Café and Pete’s downtown and more similar retail and hotel sites. Underestimating the percentage of visitors to the park using automobiles has critical implications on traffic, parking and quality of life for the surrounding neighborhoods. (M. Adams 8, Thornton)

The estimates of trips generated by park users and their mode of travel are based on parks that are not relevant to this site. The estimates of auto trips and modes are based on undocumented surveys of two unique Manhattan Parks, which are designated to serve local communities. The DEIS uses conclusions of the Riverbank State Park EIS and North Park to make assumptions regarding numbers of visitors and types of transportation, and parking demand. The data on distance and usage compiled for North Cove Park was not considered in the EIS. The only trip surveys that would have reflected the regional attraction of a world class destination, those taken at Fulton Ferry Landing were discarded as the visitors were “not park oriented users.” No surveys were taken of Empire State Park, which might have shown a different demographic than the Promenade. The DEIS needs to show better data based on Empire State park especially during special events. The very least the nature of the source data should be clarified as to its extensiveness and appropriateness. (M. Adams, Ketcham, Konheim, Thornton, Van Slyke)

The DEIS is flawed in its analyses of trips to the park. It is based on a 2.5 hour one day survey of visitors to the Promenade. This is an unrepresentative sample. The location of future users is based on the Promenade survey with half coming from 11201 and showed 58.5 percent originating within 2 miles of the park. This is not necessarily the case, depending on what amenities the park provides. Origins beyond 2 miles away may be greater with corresponding auto usage. (CB2, Van Slyke, Ketcham)

The distribution of existing trips to the passive recreational open space of the Heights Promenade was applied to the population of the originating zip codes. The predominant nearby travel distances and heavily walk dependent mode split distorts many impact assumptions. No demographic analysis was made of park demand (as was suggested in the 2004 scoping hearing) based on age, household size, available private outdoor space, auto ownership and income (as indicators of ability to access outdoor alternatives).(Konheim, Thornton)

The park is presented in the DEIS as essentially a local amenity, based on the travel patterns of park users in a single 2½-hour survey of the Brooklyn Heights Promenade. The Promenade users are mistakenly assumed to represent the borough-wide users who were envisioned for the BBP. Future users were incorrectly based on interviews with just 256 people on a single Sunday in August 2003, projected to the 1,226 individuals counted as entering the Promenade. (Konheim)

The skewing effect of the survey of the Promenade where bikes are not allowed is evident in the DEIS in the absence of bike trips as a mode to and in the park. (Konheim) The Promenade survey found only 1.8 percent coming to the Promenade by bike (no surprise, bikes are not allowed on the Promenade) and the person trips by mode, Table 5 in the Trip Generation report, shows no one arriving by bike. (Ketcham)

The modal split assumptions for the theater (Table 14-6) are questionable. The DEIS states that 20% of theater attendees will arrive by auto. Based on experiences at the Court Street multiplex the number may be significantly higher. The DEIS data is based on a Lincoln Center survey of 2000, which is not a comparable location. For timelier, accurate information, the FEIS should collect current data from the Court Street multiplex and the St. Ann's Warehouse. Similarly, we challenge the assumption that 40% of the people arriving at the hotel will be on foot. The proposed hotel is not linked to a mass transit station and the presumption that people will carry luggage and packages more than a minimal distance is unrealistic. (Thornton)

Response: The location of the park site and the transit system serving it are considered in the selection of the mode-choice assumptions for the different uses in the proposed project. When appropriate, other area studies have been used. As an example, the EIS utilizes 12% auto share for the Empire Stores, a very conservative figure. For the park users themselves, an aggregate 20% auto share is utilized. This level of auto share is already very high, but is based on the regional nature of the new park and the expectation that users will come from longer distances (as described in detail in the EIS). The surveys conducted on the Brooklyn Heights Promenade provide the information to determine mode (how persons would travel to/from the park) based on their trip origin (see Appendix B, Figure 5). The EIS trip-generation methodology utilizes data and patterns from other regional parks to which thousands of weekend park users were generated. These surveys provide geographic patterns of usage based on accessibility (the closer to the park a person is, the more likely that person will use the park) as depicted in Appendix B, Figure 6. The combination of the trip-distribution of park users and the mode choice of each particular origin yield the aggregate modal split for the park shown in Table 5, Appendix B. With respect to Empire State Park, this 9 acre facility is not a regional park as the overall 85 acre Brooklyn Bridge Park will be and, therefore, its usage is more local with very low auto share, not representative of the proposed project. With respect to the outdoor theater performance, the EIS utilizes patterns of arrival/departures from similar facilities and as with all uses, estimates mode choice based on this area's transportation system.

Comment 296: The traffic study is flawed. It distorts future traffic conditions and the traffic impacts of the changed park uses. (M. Adams, Konheim)

Response: The traffic analysis in the FEIS is comprehensive, conforms to the Final Scope of Work and the *CEQR Technical Manual*, and follows standard professional practices.

Comment 297: Auto trips and parking demand of residents are underreported. D.U.M.B.O. was not used as a model of travel patterns of waterfront luxury condos. Trip

generation rates based on early 1970s surveys of average Manhattan apartment houses that are close to transit are used. This is not relevant to the higher auto ownership and auto use of high income residents who are relatively far from transit. Travel patterns have changed dramatically since then and differ between luxury and middle income apartment dwellers. The DEIS assumes that 70% of trips by residents will be by subway. This is not correct. The revised EIS must use trips based on Empire State Park and D.U.M.B.O. waterfront high rises. (CB2, M. Adams, Ketcham) The residential buildings will generate a lot of service vehicles to serve the housing population. (Merz) The DEIS discussion of traffic on all streets around the park as a result of housing is inadequate. (Charton)

Response: The travel demand forecast utilizes accepted CEQR criteria for high-rise residential buildings. The forecast of modal share is based on census tracts in the vicinity of the site (i.e., census tracts 1, 3.01, 3.02, 5, 7, 9, 21). The tracts studied are high-income tracts likely to be representative of the proposed project's households, and are therefore appropriate bases for mode choice assumptions. The traffic forecast for all uses, including residential, consider truck demand as shown in Table 14-7.

Comment 298: The EIS assumes the same modal split for the residents in the morning as during the midday and afternoon peak hours. Morning travel has a higher percentage of work trips. The EIS underreports auto trips for all time periods as a result. (Ketcham)

Trip assignments are based on 2000 Census data that covers only work trips. The DEIS assumes that travel during other time periods are similar to work trip patterns. They are not. In the AM peak hour about 75% of travel is work related; during midday, about 30%; in the evening peak hour, less than half of auto trips are work related; on weekends just 10% of trips are work related. Fully 70% of all travel is NOT work related. Non-work trips have very different characteristics than work trips, yet the DEIS assumes a direct correlation for all travel with work-related travel. The result is further distortion of travel behavior and a miss-characterization of the park's impact on travel. (Ketcham)

Response: The EIS utilizes census journey to work mode choice data to estimate modal split for residential use. These patterns reflect the transportation characteristics of the area (nearest subway stations, bus routes, etc.), as well as the auto ownership and metropolitan area's characteristics. While the census considers morning patterns, the journey to home (from work) is typically very similar to travel to work (from home). Midday residential travel typically is low, walk oriented. The use of the journey to work mode for midday is conservative.

Comment 299: The Pier 6 development will result in traffic congestion at the end of Atlantic Avenue. (Padgitt)

Response: The traffic analysis in the EIS considered all development, including development proposed for Pier 6, and analyzed intersections along Atlantic Avenue.

Comment 300: The study does not address the proposal to change Furman Street to a two-way street. It is legalistic and unrealistic to ignore this merely because it is a DOT change. (Steber)

Response: The assertion is incorrect. The traffic assessment conducted for the DEIS considers that a two-way Furman Street would be implemented by NYCDOT prior to the project's 2012 Build Year and traffic impacts are determined accordingly (that is with Furman Street as a two-way street). The FEIS also includes an assessment of project impacts should Furman Street not be converted to two-way operation by NYCDOT and remains a one-way southbound street.

Comment 301: Until justified by a traffic study Furman Street should not be changed to two-ways. (VanderPutten)

Response: Comment noted. The proposal to change Furman Street to two-ways is a proposal of the New York City Department of Transportation and is independent of the proposed project.

Comment 302: The questionable routes that people are presumed to take to and from the park are based on a part of the DEIS, Appendix A, which has not been made available and is missing from the on-line version of the EIS. Hopefully, Appendix A includes all analysis sheets showing precisely how the trips for each land use were assigned to the region's roadway network. (Ketcham, Konheim)

Response: As a general rule, the assignment of traffic follows routes that are on most direct paths to/from the project site(s). Old Fulton Street and Atlantic Avenue will be the most heavily utilized routes by project traffic. The DEIS states that a detailed technical memorandum describing the methodologies used to develop the travel demand characteristics of the proposed regional park and its auxiliary uses were provided in Appendix A. This information was provided in Appendix B of the DEIS, not Appendix A and was made available for public review in both hard copy at various viewing locations, as well as on the ESDC website. The appendix is correctly referred to in the FEIS (as Appendix B).

Comment 303: The routes shown in the DEIS assign significant traffic to critical locations that are omitted in the traffic impact analysis, such as the Flatbush/Atlantic Avenues intersection and the Brooklyn-Queens Expressway, both of which NYCDOT reports are at capacity. (Ketcham, Konheim)

Response: The study area, as defined in the Final Scope of Work, was developed to include those intersections that are expected to be utilized by concentrations of project traffic. NYCDOT reviewed and commented on the Draft Scope of Work and the Final Scope of Work reflects those comments. This substantial study area consists of 49 intersections distributed over a wide geographic area. The study area does consider several key intersections in Downtown Brooklyn, including Tillary Street and Adams Street, Atlantic Avenue at Boerum Place, as well as several intersections where Brooklyn-Queens Expressway ramps intersect with the arterial system. Intersections further east of the project site, such as Atlantic Avenue and Flatbush Avenue, were not considered as they are a substantial distance from the site and are not expected to attract concentrations of project-generated traffic.

Comment 304: Traffic simulation models for the roadway and highway network used by State and City DOT for major projects should be used. Instead it hides behind the obsolete method used by City CEQR. Calculations of isolated intersections conceal the real-world traffic backups that City DOT confirms spill onto adjacent streets. (Ketcham) Level of service calculations utilize procedures that do not reflect the true operation of roads in and around Downtown Brooklyn. Traffic simulation models must be used to examine conditions that are at or near capacity. (Ketcham)

The EIS does not acknowledge the limitations of Highway Capacity Manual (HCM) procedures as intersections approach capacity or discuss the failure of HCM procedures to account for spillback from downstream intersections. The EIS should model critical access corridors feeding into the Brooklyn Bridge Park. The results presented in the DEIS do not account for these “over-saturated conditions” and therefore under report the severity of traffic for baseline, No Build and build conditions. (Ketcham)

Response: The traffic analysis in the EIS follows the accepted CEQR methodology for determining traffic impacts. The CEQR analysis procedure allocates traffic to the most direct path between origin and destination irrespective of conditions along that path. Allocating project-generated traffic to already congested intersections is a conservative assumption. The project identified 16 significantly impacted intersections, 14 of which could be mitigated. No spillback would be caused by the project on the street network. With regard to the two unmitigated locations, there would be some increase in queuing on the Brooklyn Bridge.

Comment 305: Trip assignments must be provided for review along with a disclosure of assumptions. (Ketcham)

Response: The traffic assignment for the proposed project is shown for each peak hour on Figures 14-11 through 14-13 of the EIS. The overall planning assumptions are presented in Table 14-16 and in Appendix B of the FEIS.

Comment 306: Trips were assigned “primarily” on the basis of “local distribution from within Brooklyn.” This does not match the claimed regional nature of the Brooklyn Bridge Park. Is this a local park, as was assumed for traffic analysis or a regional park expressed in the Project Description? (Ketcham)

Response: The FEIS provides the planning methodology used for the analysis of likely visitors to this “regional” facility. As with other such facilities elsewhere in the city, a substantial population is generated from within walking distance (see Appendix B Technical Memo, Figures 2-1 and 2-2).

Comment 307: Traffic data for the Brooklyn-Queens Expressway must be collected and analyzed as part of the EIS. According to NYSDOT in their first technical memorandum for the Downtown Brooklyn Transportation Blueprint, the Brooklyn-Queens Expressway is overcapacity today and cannot accommodate future development, but the traffic analysis assigned a huge amount of traffic to the Brooklyn-Queens Expressway. (Ketcham)

Response: The traffic analysis considers demand from the freeway system (Brooklyn-Queens Expressway), the East River Bridges and the Brooklyn arterial system. While portions of the Brooklyn-Queens Expressway are congested in peak periods, some portion of the project (25-33%) would likely utilize that roadway as the most direct path to/from the project site. It should be noted that the heaviest anticipated demand for the project would be on a summer Sunday not the heaviest highway traffic period. Further, in non-summer periods (fall, winter, and spring) traffic generated by the park would be lower, with less effect on the Brooklyn-Queens Expressway.

Comment 308: Closure of Joralemon Street to vehicles is not guaranteed. Joralemon Street needs to be closed to vehicles to the extent possible. Joralemon Street’s cobblestone streets are in danger of collapse. Joralemon Street must be closed to vehicular traffic to protect the Cobblestone. The street is cobblestone and in need have repair. Signage and rubber stanchions should be used to deal with the diversion. BBPDC should work with NYCDOT to ensure the street closing. (Bickerstaff, Ciaccio, C. Fleming, P. Fleming, Fitzsimons, McCarthy, Thornton)

The EIS does not study conditions if the City does not approve the closure and Joralemon Street remains open to vehicular traffic. (P. Fleming)

Response: As noted in Chapter 1 “Project Description,” as part of the proposed project, if approved by the City of New York, Joralemon Street would be closed at Furman Street to traffic, while remaining open for pedestrians. Consequently, Joralemon

Street is not expected to be a main access corridor for vehicular traffic generated by the proposed project. BBPDC will develop designs for the closure in coordination with NYCDOT to create this non-vehicular access corridor.

The EIS analyzes traffic with Joralemon Street closed at Furman Street as well as with it remaining open.

Comment 309: The traffic chapter fails to address the scraping of car bottoms on Joralemon Street because of the poor state of the cobblestone. (P. Fleming)

Response: The closure of Joralemon Street at Furman Street, if approved by the City of New York, is part of the proposed project and has been reviewed by NYCDOT. The closure would be designed in conjunction with NYCDOT and would include appropriate geometrics, signage and other design elements to ensure a safe functional facility.

Comment 310: The EIS traffic analysis concludes that there would be no traffic impacts with or without the closure of Joralemon Street. The addition of over 600 cars will impact Joralemon Street and Atlantic Avenue. (Charton)

Response: This comment is not correct. The proposed project, as disclosed in the FEIS, would have a significant adverse traffic impact at 16 of the 49 intersections studied. Of the 16, only 2 could not be mitigated. The FEIS states that if Joralemon Street were to remain open, the same results would be obtained.

Comment 311: Traffic will funnel at Montague Street—this is not studied. (P. Fleming)

Response: The EIS provides an assessment of those roadways and intersections likely to be utilized by concentrations of project traffic. Montague Street, because of its location, does not provide the same direct vehicular access to the site as Atlantic Avenue, Old Fulton Street and other streets that reach the waterfront directly. As such, significant traffic impacts due to the proposed project on Montague Street are unlikely.

Comment 312: Traffic impacts at Joralemon and Hicks Streets need to be considered. (Stroom, Landes, Landes)

Response: The EIS analyzes 49 intersections in the study area. As Joralemon Street is proposed to be closed at Furman Street, it is unlikely that this corridor would be used by project-generated vehicles accessing the site. Consequently, significant traffic impacts at the Joralemon Street/Hicks Street intersection are unlikely. Also, with Joralemon Street open, the EIS shows the trip assignment and traffic analysis for the Joralemon Street corridor. Given the low existing traffic volumes and the low level of project-generated traffic on this corridor, the

Joralemon Street corridor would not be significantly impacted, as reflected in the analysis of five intersections along that corridor.

Comment 313: The area will be inundated with people looking for access and free parking. A resident permit parking program could help to minimize impacts and guarantee that local residents will not have to compete with or be displaced by park users. The FEIS is required to address this and other possible mitigation. (McCarthy, Thornton)

The DEIS Parking Section in Chapter 14 claims that there are sufficient parking spaces available to handle current need during peak hour. This is incorrect. The cost of available parking must be taken into consideration. Parking in a lot can now cost up to \$20.00 for the first hour with additional amounts for longer periods. Many drivers choose to spend significant time cruising the neighborhood for free parking. This will be true of many drivers looking to park their vehicle while they enjoy a short time at the park. This will greatly exacerbate congestion on many of the local streets. The cost of parking and its impact on usage of garages is not dealt with adequately in the DEIS. While Figures 14-7a et seq. show where and what parking restrictions are in the study area, there are no clear statements as to how the municipal authorities are going to adjust these regulations or that sufficient parking spaces will be required as part of any new construction (i.e. as part of the hotel or residential buildings planned for the park or in any new construction planned on properties located within the study area) at a price that will encourage drivers to use garages or use public transportation. (Thornton)

Response: As noted in the FEIS parking analysis, the proposed project is expected to have 1,283 off-street parking spaces (increased from 1,183 spaces in the DEIS). This substantial supply is greater than the projected demand except on a summer Sunday afternoon and in the weekday evening when the project demand is at its peak and there is a projected deficiency of 214 and 71 spaces, respectively. As is also noted in the EIS, the off-site parking supply is adequate to accommodate the overflow demand. The supply of curbside spaces is very restricted in this area, with limited availability. This curbside supply is not relied upon to accommodate project demand. There is no significant adverse parking impact associated with the proposed project and, accordingly, there is no need to consider a residential parking program as part of this EIS.

Comment 314: Traffic on Doughty Street (between Furman and Everit) needs to be studied. Changing Furman Street to two ways and the increase in traffic on Furman Street will cause Doughty Street to be a shortcut to Old Fulton Street. The traffic impact on landscaped houses needs to be studied. Mitigation for the Doughty Street impacts should be provided if required. (Park, Simonie)

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Response: As noted previously, Furman Street is expected to be converted to two-way operation by NYCDOT independent of the proposed project. Doughty Street south of Old Fulton Street is a westbound street and is not a main access corridor to/from the waterfront. Therefore, it is expected to attract minimal project traffic and no significant adverse traffic impacts are expected along this roadway.

Comment 315: Traffic will overflow to Columbia Place, Willow Place and State Street. Intersections of Willow Place and Columbia Place at Joralemon need to be studied. (Bickerstaff, Landes)

Response: Columbia Place, Willow Place and State Street are not principal waterfront vehicle access corridors to/from the project site. These streets are not expected to attract substantial traffic demand and therefore no significant adverse traffic impacts are expected on these streets.

Comment 316: The subjective determinations regarding traffic and various intersections have distorted the conclusions regarding impacts. The intersections of Joralemon at Hicks, Clinton and Henry would likely have impacts. (Landes)

Response: The traffic analysis is not subjective. It conforms to the *CEQR Technical Manual* and established methodologies. Forty-nine intersections were studied (including 4 on Joralemon Street) with 16 having significant adverse impacts and only 2 would remain unmitigated. Those intersections with significant adverse impacts are along principal paths likely to be used by concentrations of project-generated traffic. No significant traffic impacts were found along Joralemon Street. Joralemon Street was analyzed in both an open and closed condition east of Furman Street. In neither case were any significant adverse traffic impacts identified.

Comment 317: Atlantic Avenue should utilize left hand signals or no lefts to deal with traffic. (McCarthy)

Response: Where appropriate, left-turn signals were considered as mitigation for Atlantic Avenue intersections. Specifically, the FEIS proposes such a left-turn signal at Atlantic Avenue at Henry Street.

Comment 318: By underestimating traffic and its spillover on nearby neighborhoods, the DEIS understates the project's impact on air pollution, noise, traffic accidents, parking and park access. (Ketcham, Konheim)

Response: In accordance with the *CEQR Technical Manual*, the assignment of project traffic in the DEIS is along the most direct paths and the air, noise and other potential related impacts along these paths are identified and discussed in the EIS.

Comment 319: Park visitors will come from Brooklyn and other states and nations. Visitors will not come from other boroughs. (Campbell)

Response: The bulk of the park's patrons will be both local and from several miles away. While interstate or international users are not explicitly mentioned in the EIS, small numbers of these (tourist) users, linked to other travel to/from New York City, can also be expected at the proposed park.

Comment 320: Differentiate and define the two columns in Table 14-7 taxi-balanced and taxi. (P. Fleming)

Response: The "taxi" forecast is first prepared based on the modal split assumptions. However, as taxis often arrive full and leave empty (and vice versa), the vehicle trip forecast has to be adjusted (increased) to "balance" the taxi traffic volumes. The higher "balanced taxi" volumes (not the "taxi" volumes) are then used in the overall vehicle forecast in Table 14-7.

Comment 321: An analysis of traffic conditions should be conducted in conjunction with NYC and NYSDOT one year after the completion of the park. Improvements should be made to mitigate any traffic conditions identified. (Markowitz)

Response: The analysis was done in conformity with the *CEQR Technical Manual* and established practice.

Comment 322: Methods of analysis and mitigation more current and thorough than those required in the *CEQR Technical Manual* should be employed in refining the park design and placement of park and development elements. Include new information from Downtown Brooklyn and Atlantic Yards and Brooklyn-Queens Expressway renovation projects as they get developed, as well as from the Congressional access study. (CB2)

Response: See response to the immediately preceding comment and please note that the Downtown Brooklyn Rezoning and the Atlantic Yards Project are accounted for in the No-Build list of projects in the FEIS. The plans for the Brooklyn-Queens Expressway renovation project and the Congressional access study are not sufficiently advanced to be accounted for in the FEIS.

Comment 323: The park will function like a local park if there is insufficient access for all but local residents. (CB2)

Response: The proposed park design provides substantial access opportunities throughout its length. These include pedestrian, bicycle, transit, and vehicles opportunities. Atlantic Avenue and Old Fulton Street are major access points for vehicles, including buses. The park is located along the Brooklyn Greenway, and will include an on-site segment. Four transit stations are nearby with convenient

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pedestrian access corridors to the site. Lastly, the site would have 1,283 parking spaces. Collectively, these elements render the park accessible.

Comment 324: Create a borough-wide Traffic model, building on the existing South Brooklyn Traffic Demand Model. (CB2)

Response: This level of analysis is not warranted for the site-specific project. The study area selected for analysis is already substantial for an individual development project, and considers traffic and transit modes. This study area has been reviewed and approved by NYCDOT.

Comment 325: The EIS provides an inadequate assessment of current and No Build base traffic, pollution, and noise, as well as inadequate mitigation measures. (VanderPutten)

Response: The EIS provides comprehensive assessments of potential impacts related to traffic, air quality, and noise, and conforms to the *CEQR Technical Manual* and Final Scope of Work.

Comment 326: The residential buildings will result in traffic in the surrounding area. (Tree, Padgitt)

Response: Table 14-7 of the EIS shows the portion of project demand associated with the residential and other uses on the project site. These are evaluated in the traffic impact analysis.

Comment 327: The analysis that concludes that Old Fulton and Furman Streets will have reduced truck traffic needs to be available for public review. (Simonie)

Response: The traffic analysis provides no such conclusion. Table 14-7 shows the expected truck traffic generated by the proposed project.

Comment 328: The EIS does not adequately address traffic at the Pier 1 entrance. (Wallach)

Response: The Pier 1 entrance is one of the several distributed along the project site from Atlantic Avenue in the south to Pearl Street to the north. Figures 14-11 through 14-13 show the expected incremental traffic along the park's length. The Pier 1 driveway would be unsignalized and serve mainly the hotel, some restaurant users and park users. Approximately 300 of 1,283 spaces are at this location, limiting vehicle demand at this location.

Comment 329: The EIS does not analyze the AM peak hour because project generated traffic is anticipated to be less than for other time periods analyzed. This is not entirely clear as the DEIS dramatically under estimated trips from luxury development. Plus, the AM peak hour is heavily congested in and around Downtown Brooklyn. (Ketcham)

The SEQRA analysis of the traffic patterns currently existing in downtown Brooklyn is based on observable data during specific time periods. While the raw numbers show higher impacts at midday, evenings and on Sundays, our “real time” experience demonstrates serious traffic congestion, not only at those times but also at virtually any hour of the work day. We disagree that the addition of 3,132 person trips during the AM peak hours is negligible when compared to the other high impact times. Standing alone, the incremental addition of 3,132 person trips will have a significant and adverse impact under SEQRA standards. This must be accounted for in the FEIS. (Thornton)

Response: Consistent with established practice and the Final Scope of Work, the EIS analyzes the time periods that would have the heaviest travel demand. Because the park and retail components would generate the most travel demand, the AM peak hour is expected to have less than one half of the PM demand and less than a third of the Sunday demand. As noted in the EIS, it is unlikely that there would be impacted locations in the AM peak hour that were not already disclosed in the heavier project-generated periods.

Comment 330: Baseline traffic conditions are developed from available data with supplemental counts. This assumes that traffic volumes are lower than pre-9/11. Bridge counts suggest higher volumes. Baseline traffic volumes are under-reported. The consequence of that is to provide more capacity than actually exists for additional development.(Ketcham)

Response: The EIS provides the details on the data collection effort in 2003 and 2004, which was conducted in conformity with standard *CEQR Technical Manual* criteria and does not underestimate conditions in the study area.

Comment 331: Conditions are described and traffic volumes are summarized, but there is no discussion of peak hour directional splits that are significant on major access roads such as Flatbush Avenue, Atlantic Avenue, and the Brooklyn-Queens Expressway. (Ketcham)

Response: Figures 14-2 through 14-4 depict the directional traffic volumes throughout the traffic network, and Table 14-2 provides the resulting traffic capacity analysis by direction throughout the study area. The EIS identifies by direction each of the analyzed intersections with congested movements.

Comment 332: On Page 14-3 of the DEIS in the second to last paragraph, second line Furman should be substituted for Fulton Street. (Ketcham)

Response: The correction has been made in the FEIS.

Comment 333: There is no discussion of height limitations along Furman Street preventing northbound heavy truck movement. (Ketcham)

Response: Any restrictions associated with allowing northbound traffic on Furman Street would be addressed by NYCDOT independently of the proposed project. Such restrictions would not be expected to alter the conclusions of the traffic analysis in the EIS.

Comment 334: The DEIS provides the number of traffic accidents at five intersections but does not distinguish between auto only and pedestrian/bike accidents. Moreover, because of the simplistic nature of reporting project impacts, accidents are simply ignored only to assert later that the impacts would be negligible. Traffic accidents increase in proportion to vehicle miles of travel (VMT). Total annual project VMT should be estimated and compared to baseline and No Build VMT and the number of project-related accidents thereby estimated. The severity of these accidents can be estimated and their societal cost (in dollars) can then be estimated. Only with this information can the effects of this project on traffic accidents be evaluated as significant or not. (Ketcham)

The methodology for estimating the traffic (and bike/pedestrian) accidents resulting from the Brooklyn Bridge Park is flawed and does not begin to suggest how this project will impact the growth in traffic accidents. The conclusion that the park will have little or no impact on traffic accidents is incorrect. (Ketcham)

Response: Figures 14-5a and 14-5b of the EIS depict the three-year accident patterns for autos, pedestrians, and bicycles in the study area. Because of the very low pedestrian volumes along the waterfront and key corridors accessing the waterfront, extrapolating pedestrian accidents based on existing conditions is not appropriate. Chapter 15, "Transit and Pedestrians," provides an assessment of the Old Fulton Street and Atlantic Avenue corridors. With respect to calculating accident impacts based on VMT, this is not an appropriate method for an area with few pedestrians at the current time. The *CEQR Technical Manual* indicates that current high pedestrian accident locations be the focus in order to better determine potential solutions. The EIS concludes that although Old Fulton Street and Atlantic Avenue do not presently exhibit high-pedestrian accident frequencies (there are very few pedestrians), that could change in the future. Given the substantial increase in activity associated with the proposed project, park planners would coordinate with NYCDOT and other local initiatives (including the federally supported Brooklyn Bridge Park Access Study) to provide for improved pedestrian conditions and address safety concerns.

Comment 335: The EIS should account for the benefits of the Downtown Brooklyn Traffic Calming Project, including improvements at Atlantic Avenue and along Cadman Plaza West. (Ketcham)

Response: The implementation of the improvement options associated with the traffic calming study is under the jurisdiction of NYCDOT. While certain

improvements are incorporated in the No-Build assessment, those noted above were not identified by NYCDOT to be appropriate for inclusion in the analysis of project impacts.

Comment 336: Because the traffic impacts are under reported, air quality and noise impacts are likewise under reported. (Ketcham)

Response: The traffic impacts are reasonably and accurately reported, and appropriately serve as input to the air quality and noise studies.

Comment 337: Several of the statements in the DEIS, which are vague, should be clarified in the FEIS. For example, references to the “major reconstruction effort” along Clinton Street (pg.14-3), the conversion of Furman Street from one way to two way (pg.14-3) and the closing of Joralemon Street, require more explanation and discussion of the impact of such changes on local street traffic, access to the Brooklyn-Queens Expressway and parking. The closing of Joralemon Street will have an impact on the traffic flow around Joralemon Street. The FEIS needs to discuss signage and other methods of redirecting traffic. (Thornton)

Response: The major reconstruction effort referred to on page 14-3 is along Columbia Street, not Clinton Street, and has been corrected in the FEIS. The EIS provides a detailed analysis of the effect of NYCDOT’s conversion of Furman Street to two-way operation and closing Joralemon Street at Furman Street. The designs associated with the closure (e.g., signage, pavement treatment, etc.) will be coordinated with NYCDOT as the planning for the park advances.

Comment 338: The DEIS, describes the existing capacity, the projected capacity in a No-Build Scenario and capacity in a Build Scenario. Capacity level E (full capacity) and level F (over capacity) should both be regarded as significant and adverse, since level E in downtown Brooklyn often turns into Level F on a more than regular basis. Existing Traffic Conditions shows 8 locations in the MD Peak Hour that are either category E or F; 16 in the PM Peak Hour and 8 in the Sunday Peak Hour. No Build Traffic Conditions shows 11 locations in the E or F category during MD Peak Hour, 27 in the No-Build PM Peak Hour and 9 in the Sunday Peak Hour. In the Build scenario, there are 16 E or F conditions during MD Peak Hour, 30 in the PM Peak Hour and 13 in the Sunday Peak Hour. By 2012 the length of delay at some of the intersections that will be “F” rated will increase substantially (see “+3” minutes on Clinton Street to +4.5 minutes). On weekdays, Clinton Street is already overly congested between Atlantic Avenue and Montague Street. Gridlock often occurs at the unsignaled intersections at Schermerhorn. The FEIS must account for how park traffic will be directed around local streets, with more attention given to traffic calming methods. (Thornton)

Response: The EIS identified the locations in the existing traffic network that are congested. The analysis of the project's traffic focuses on the locations which will experience the greatest demand. Other locations in Downtown Brooklyn while congested, are not analyzed, as new project traffic will be minimal. As noted in earlier responses to comments, NYCDOT is the agency that would implement traffic calming measures already developed for Downtown Brooklyn. These measures, some of which are included in the traffic analysis, as specified by NYCDOT, are primarily intended to enhance the pedestrian and safety environment, and not necessarily to increase traffic capacity in the area.

Comment 339: Fulton Ferry Landing already has large amounts of traffic and continues to worsen as D.U.M.B.O. develops. (VanderPutten)

Response: The existing and future conditions without the proposed project with respect to vehicular traffic in the study area are described in the EIS.

PARKING

Comment 340: Page 14-10 is missing a Central Parking System facility at 185 Pacific Street (License #961964) with a capacity of 130 spaces (fully occupied midday's on weekdays, 90% occupied overnight, 50% occupied on weekends). (Ketcham)

Response: This facility is between Clinton and Court Streets and outside of the EIS parking study area. The parking study area includes parking facilities within a ¼-mile radius of the project site.

Comment 341: The DEIS needs to identify if parking is adequate. (McCarthy) The EIS is missing parking data on the evening weekday peak hour when many people are likely to be using the park. (Ketcham) There is an existing inadequacy of on-street parking and decreasing off-street parking and demand from the project and cumulative developments. (Armer)

Response: The adequacy of parking is analyzed in detail in the EIS. Table 14-11 of the FEIS presents the project's demand for parking for both weekdays and Sundays. With a supply of 1,283 spaces (increased from 1,183 spaces in the DEIS), the weekday evening (7-8PM) demand is in excess of capacity by about 71 spaces, while adequate on-site capacity is available during the 7-8PM period on Sunday. Sufficient off-site public parking spaces are available to meet the excess demand. At 7PM, public parking garages and lots with overall capacity of over four thousand spaces, would be able to accommodate the 71 spaces of excess demand at 7PM on weekdays. As also shown in Table 14-11, the total parking demand for the project would peak in the early afternoon and again in the early evening on weekdays and in the early afternoon on Sundays. There is expected to be a near balance of supply and demand on weekdays, while on Sunday afternoon a deficit of 239 spaces is projected. The off-street parking supply, as

presented in the EIS, is able to accommodate this excess Sunday afternoon demand with no adverse impacts.

Comment 342: The DEIS assumes because on-street parking is largely utilized that no one using the park (who drives) will seek out free parking. This is incorrect. As per the Downtown Brooklyn Transportation Blueprint, half the traffic passing through Downtown Brooklyn is motorists seeking free access to Manhattan. The DEIS should discuss the pressure that park attendees will put on the residents of the area while seeking free parking by congesting the streets. (Ketcham)

Response: The traffic analysis accounts for the presence of through traffic in the study area. Because the on-street parking supply is so heavily utilized, the traffic studies assume that project-generated demand would have to be accommodated by off-street facilities.

Comment 343: A 500 car attended parking facility for the public and residents will eliminate the need for using a comparable amount of recreation park land for parking spaces. (Levine)

Response: As part of the proposed project, parking spaces have been provided within project buildings, thereby minimizing any actual park space to be dedicated exclusively to parking use.

Comment 344: The EIS does not understand the demands of housing. There will be a large parking demand for residents and little left for park users. There will be insufficient parking if you rely on the present assumptions. The condo owners will use all the 1,183 planned spaces. New residents will compete for parking access and services with park users. The housing preempts the parking needed to support commercial activities. The DEIS leaves no parking spaces for the 21% of park users it projects will arrive by car or taxi. (CB2, M. Adams, Bickerstaff, Konheim)

The residential buildings are a barrier to the park's self-sustainability. Residential parking will consume parking needed for commercial revenue generation. The parking will facilitate trips away and back from the park and will not contribute to activity within the park. (Konheim)

Because of its distance from public transit, condo owners will expect to have access to parking. It is unrealistic to assume that only $\frac{1}{3}$ will need parking. The park provides 96% of them with parking spaces (772) at the south end. This will not satisfy demand of one space per unit. They will thus make deals to reserve spaces or occupy them first. (Konheim)

The damage of resident parking to the park's purpose and viability is evident in the DEIS estimate of peak parking demand on Sunday afternoon. It is assumed that residences account for more than $\frac{1}{3}$ (555 spaces) of peak demand of 1,522

spaces. This assumes that 70% of 802 resident spaces are occupied, However if all the 1,210 owners park on site the 70 percent demand by residents is 831. The shortfall then increases from 339 to 615 people needing to find parking outside of the park. The deficit would however exceed 615 because the auto use to stores, restaurants hotel and park itself will be more than the 20-30% assumed in the DEIS. Residential parking skews the distribution of parking to the upland of Piers 5 and 6, further handicapping the viability of the commercial trip generating activities concentrated near Pier 1. (Konheim)

Since the affluent owners of the planned 1,210 apartments will consume the 1,183 planned parking spaces in the park, it is likely that park visitors who will use autos (diners, shoppers and hotel guests) will have to search for parking on local streets. Table 14-12 in the DEIS shows that, even with its low-balled auto trips, as many as 356 cars an hour will be doing so. Given the lack of such parking, the planned waterfront enterprises may not succeed, and not produce the expected revenues to support the park. The undercount in the DEIS leaves no parking spaces for the 21% of park users who are predicted to come by car or taxi. (Konheim)

Reducing the number of condos won't alleviate the parking situation because all of the 1,183 spaces are needed for genuine park activity and to attract creative commercial activities that can sustain the park. There should be no housing in the park at all. (Konheim)

Response: The parking demand analysis utilizes a shared parking system. Based on the available census data on high-income households, it is estimated that there will be a peak parking demand of about 0.67 autos per household overnight for residents. During the day, this demand is reduced as some homeowners use their vehicles (see Table 14-11). As an example, on a summer Sunday afternoon, Table 14-11 shows that residential demand in the garages would decline to about 555 spaces on a Sunday afternoon. Utilizing a shared on-site parking system minimizes the need to construct excess spaces in the proposed project, thereby maximizing the efficiency of those spaces constructed. It should be also noted that the shared parking (and traffic) analysis presented in the EIS is conservative as it is based upon peak summer demand. Further, the EIS does not adjust for lower retail, hotel, and office demands for parking in the summer, but rather combines all uses as if their peaks occur simultaneously. Therefore, as noted above, limited parking spillover is projected in the EIS.

Comment 345: With excellent public transportation links there should be no need to squander space on parking. (Campbell)

Response: While there are public transportation links (subway and bus) serving the project site, based on the EIS analysis, the project will generate a demand for auto parking.

Comment 346: It is essential that all parking for residents of the buildings in the park be on-site to leave public parking spaces available for park visitors. (CB2)

Response: See responses to prior parking comments.

Comment 347: Fulton Ferry Landing has severe parking problems that will worsen as development in the area continues. This is not mentioned in parking capacity projections. (VanderPutten)

Response: Parking in the referenced area has been analyzed in the EIS.

Comment 348: The EIS does not adequately address parking at the Pier 1 entrance. (Wallach)

Response: The proposed project provides about one-quarter of its new supply for the Pier 1 development (see Chapter 1, “Project Description”). As discussed in the EIS and in response to several comments above, the parking system is a shared one. The Pier 1 parking would accommodate the hotel parking demand, as well as a portion of the park, restaurant and residential demands.

Comment 349: It is incorrect to assert that parking will be provided on existing streets as it is already difficult to find street parking in this area. (Landes)

Response: The EIS does not allocate parking demand to the existing streets as that supply is already heavily utilized. The text in Chapter 1, “Project Description” has been revised in the FEIS to delete the reference to the use of on-street parking. All parking demand is allocated to off-street facilities, mainly on the proposed site.

TRANSIT AND PEDESTRIANS

TRANSIT

Comment 350: Increase public transit services to the park. (CB2, Francis)

A public transit solution is needed to mitigate traffic impacts. (Simon)

Historic trolleys should be incorporated into the park. (CB2)

A transit loop from Court Street and Cadman Plaza subway stops to the Atlantic and Fulton Landing entrances should be provided, such as electric trolleys, jitneys, or double decker buses. Links to the LIRR, BAM and the Navy Yard could also be provided. These should be in place on weekends when traffic is at a peak. Links should also be made to remote parking. (C. Fleming, Konheim, Melnick, Simon, Stone, Thornton, Van Slyke, Whelan)

Bus and subway service to the park should be frequent and convenient in order to encourage people to use public transit. Poor public transit service translates to more automobiles; and that brings more congestion, unsafe streets for

pedestrians, and the overburdening of the surrounding residential communities with even more visitor/commuter parking. (Thornton)

The DEIS makes no mention of jitneys, tour buses, or even of bicycle access or usage. (Ketcham)

The current plans have no provisions for a transportation system within the park. (Melnick, Simon)

Light rail or bus/trolley should be located on Atlantic Avenue from Fourth Avenue to the park. It would be used by residents and shoppers on the Avenue and in the park. (Wolfe)

Incorporate bus layovers that would remove buses from adjacent communities. (CB2)

Water transport to the park should be incorporated, such as taxis and ferries. Historic ferries and gondolas should be evaluated. (CB2, Whelan)

Response: The local bus system along Atlantic Avenue and Old Fulton Street provides good access to the park (see FEIS Figure 15-2) with three bus routes (B25, B61, B63). While it is understood that service frequency is not presently high (especially on weekends), New York City Transit as normal practice adjusts this frequency to accommodate demand when it materializes. As such, it is expected that in the 2012 future, bus transit accessibility will be measurably improved with the potential for a new service loop on Furman Street (where there presently is no demand). While installation of light rail or bus/trolley loop systems would further enhance transit accessibility, such major area-wide infrastructure changes are outside the scope of the proposed project. Water taxi stops would be provided at four locations within the park: three that are proposed and one that is already operating. However, providing space within the park for bus operations is not proposed because of the existing routes at the foot of Atlantic Avenue and Old Fulton Street.

Comment 351: The federal transportation planning study will improve public access to the park. It will address the feasibility of a vertical connection to the Promenade, connections to public transit, a greenway/bikeway connection, and ferry service. (Velazquez)

The suggestion that New York City Transit (NYCT) will adapt to account for the significant increase in bus demand is insufficient as a response and ignores the difficulty of adjusting and increasing bus service in a reasonable time frame. The significant adverse impact will last for an unknown duration. The B63 is one of the slowest buses in New York City but nothing has been done to speed up service. (Landes 122, Van Slyke 105) Bus service to and from the park on Atlantic Avenue and Old Fulton Street is currently not sufficient to meet expected needs. The DEIS simply maintains that NYCT will monitor bus

ridership and increase service where operationally warranted and fiscally feasible. (Thornton)

The applicant must continue to consider all available means of encouraging people to use public transportation. General statements that the NYCDOT will add bus routes and stops, as necessary, belie the seriousness of this issue for residents of downtown Brooklyn. As part of the FEIS process, the MTA should present updated figures for current mass transit use and include specific plans to accommodate increases in future usage. (Thornton)

Response: The EIS follows the *CEQR Technical Manual* methodology in assessing potential transit impacts. The project site can be accessed by three bus routes serving three different areas. It is recognized that increased bus service, especially on weekends would be needed. However, as it is New York City Transit (NYCT) policy to adjust frequency to meet ridership and service standards (not NYCDOT as stated by the commentor), the proposed project cannot impose frequency changes for NYCT to implement. Further, as also noted in the comment, the local development corporation transportation planning study, which is not part of the proposed project, will shortly get underway to address potential transit and pedestrian accessibility improvements.

Comment 352: The project should find a way to connect to the Clark Street tunnel. The Clark Street Station tunnel that connects to Furman Street could be broadened. The design allows for the possibility of opening this in the future. The EIS should address reopening the Clark Street tunnel, which is part of the forthcoming study to develop a Transportation Master Plan for Brooklyn Bridge Park. (CB2, Konheim, Simon, Wolfe)

Response: The EIS shows that the project's transit demand at the Clark Street IRT station can be readily accommodated. While a new tunnel connecting to Furman Street may or may not be feasible, such a major infrastructure project is beyond the scope of the proposed project. Should that project be separately advanced, it would be the subject of its own environmental review and analysis.

Comment 353: Greater detail must be given to the public transportation system analysis. Consideration needs to be given to cumulative impacts with other development projects and options for areawide improvements outlined. (Armer)

Response: The EIS contains the requested cumulative impact analysis. The analysis considers other development expected through the 2012 build year. The analysis found that the substantial transit infrastructure is available and no significant adverse impacts are expected, especially as the principal transportation generators (the park and the Empire Stores) have their peak demands on weekends.

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Comment 354: The EIS should investigate how many visitors would opt for travel by mass transit, including ferries and trolleys, if made available and the resulting decrease in vehicular traffic. (Van Slyke)

Response: The requested investigation is beyond the scope of this project and the EIS. The transportation analysis in the EIS conforms to the *CEQR Technical Manual* and the Final Scope of Work, and has been reviewed and approved by NYCDOT as to its scope and adequacy. Further, an upcoming local development corporation transportation master planning study will shortly get underway to analyze potential transit improvements.

Comment 355: It is inaccurate that there is a lack of public transportation in the area. Bus routes are on Atlantic Avenue and Old Fulton Street. With the use of taxis and hotel vans, there is no need to provide personal vehicular access, freeing up more land for park open space. (Campbell)

Response: The proposed project will rely on the substantial transit resources that service Downtown Brooklyn. These include four subway transit stations on the F (York Street), A and C (High Street), 2 and 3 (Clark Street) and 4, 5, N, R and M (Borough Hall) lines. Multiple bus routes also service the site, with the likelihood of increased service as demand is generated along the waterfront. While these transit resources will attract a substantial amount of park users, the expected regional nature of the new park will attract users from a broad geographical area, and from some distant non-transit accessible zones. Further, park travel is more discretionary and intermittent (i.e., versus travel to work), which also tends to increase auto share. The EIS accounts for the expected travel behavior for the proposed project and the resultant transportation impacts.

Comment 356: Diversion of traffic to and increased use of bus routes should not be regarded as an adverse impact but a positive one. (Campbell)

Response: Comment noted.

Comment 357: The transit analysis relies on extremely limited modal split information gathered on one day at the Brooklyn Heights Promenade. The DEIS, therefore, carelessly assumes that 23% of the park visitors, 81% of the office workers, 72% of the residential population, 20% of the hotel traffic, 25% of the destination retail traffic will come and go by bus or subway. If the reality varies from these figures, there will be a significant adverse impact on area subways and buses. At the very least, there should have been an analysis of visitors to Empire State Park since it has been drawing more visitors over the past three or four years. Surveys of people attending the summer film festival as well as productions at St. Ann's Warehouse would have provided much more reliable traffic data than that one Promenade survey. The FEIS must reflect more timely and pertinent

data before reaching any conclusions regarding transit use by park visitors. (Thornton)

Response: The transportation planning assumptions used in the EIS are provided in Table 14-6. Each is derived using research on travel patterns in the area. As noted in a prior response, the survey on the Promenade was used to assess how persons traveled based on distance from that destination. Downtown Brooklyn transit infrastructure is substantial with 4 subway stations and 3 bus routes serving the projects site. Also, the principal generators of demand (the park and the retail) are heaviest on weekends. Therefore, as shown in the EIS, there will be no significant adverse impacts to the subway system, and any impacts to the bus system are anticipated to be addressed by NYCT.

Comment 358: Underlying assumptions as to how people will arrive for several of the park uses rely too heavily on other unidentified EIS data. Since this data is also based on assumptions that have not always proven accurate, the FEIS should contain timely surveys and studies (e.g. Atlantic Center Mall, the Court Street multiplex, various courthouses). (Thornton)

Response: Because the proposed project is located on the waterfront, it would not be appropriate to rely on the centrally located examples noted above. Instead, the EIS uses waterfront (or near-waterfront) data, where available, to estimate travel demand for the various uses within the proposed park.

Pedestrians

Comment 359: The access to the park is exclusive and dangerous for pedestrians. (Hillis)

Pedestrian paths at Fulton Ferry need improvement. The intersection is dangerous and will be difficult for pedestrian access. Measures for safe passage are needed. (Millman)

The service roads will endanger public safety and pedestrian safety. (Hillis)

Response: Chapter 15, "Transit and Pedestrians," describes potential pedestrian conflicts along the key access corridors with a focus on Old Fulton Street and Atlantic Avenue. Several area-wide studies are commencing or are underway, including the local development corporation transportation planning study mentioned above, to address potential off-site pedestrian and accessibility improvements. With regard to the on-site service roadways, they will be designed for low speed operation to provide access to garages and loading areas, as well as for maintenance. These roads would not degrade the park's pedestrian safety characteristics.

Brooklyn Bridge Park FEIS

Comment 360: The 360 Furman developers will release two exclusive owner easements that are crucial for pedestrian access to the park, particularly as it affects the gateway entrance and waterfront access at the park's southern end. (Levine)

Response: Comment noted.

Comment 361: We accept the pedestrian burden we will have to bear on Joralemon Street. Pedestrian traffic on Joralemon Street should be limited to the extent possible. Use rubber stanchions together with signage. (C. Fleming, Padgitt)

Response: The EIS did not identify any significant adverse impacts as a result of pedestrian activity on Joralemon Street. The closure of Joralemon Street to vehicle traffic at its westerly end near Furman Street will be designed to meet NYCDOT requirements. This design will likely include signage as well as physical features to restrict vehicles while permitting pedestrians passage under the Brooklyn-Queens Expressway in conformance with all applicable code requirements.

Comment 362: The historic cobblestone on Joralemon Street will be a problem for pedestrians. (Stroom)

Response: The pedestrian designs have not been fully developed; however, design changes to the westerly end of Joralemon Street will have to comply with ADA requirements and would be undertaken in coordination with NYCDOT. Upland of Furman Street, pedestrians would be concentrated on both north and south concrete sidewalks.

Comment 363: At Hicks and Joralemon Streets visitors will enter once they can't find access at Atlantic Avenue. (Bickerstaff) The DEIS needs to appropriately address how pedestrians will get to the park. Thousands of new residents will walk on Joralemon Street as there is no public transportation. Traffic coming down Joralemon Street from Hicks Street is not studied and should be. Pedestrians at Montague Street will proceed to the Promenade and then to Squibb Park or Old Fulton Street or will go two blocks south to Joralemon Street. The percentage of walkers arriving via Joralemon Street is not indicated. The number of pedestrian trips from the Squibb Park bridge is not estimated. There will be an impact on the Joralemon corridor. (Ciaccio, P. Fleming, Landes, Healy)

Does the DEIS account for the use of the Squibb Park bridge to Pier 1? If so, the Cranberry and Clark St. pedestrian count-blocks should be those in the last blocks before the overpass, rather than back at Henry. Street Take into account the diffusion of traffic among Clark, Pineapple, Orange, Cranberry and Poplar Streets, as well as north/south along Columbia Heights and the Promenade. (P. Fleming)

Response: As presented in Chapter 15 “Transit and Pedestrians,” pedestrian demands to/from the project site will be distributed among several access corridors including Columbia Street, Atlantic Avenue, Joralemon Street, Montague Street, Clark Street, Cranberry Street, Old Fulton Street, Washington Street and others. The analysis distributes pedestrian demand and shows that Old Fulton Street would be substantially the highest used pedestrian corridor with Joralemon Street, Columbia Street and Atlantic Avenue having less incremental demands. The other access corridors would have lower incremental demands due to the proposed project. As noted in the comment, Joralemon Street, between Clinton and Court Streets, with access to the subway system, is expected to be used by up to 189 pedestrians in a 15-minute period (on a Sunday afternoon). The analysis shows that this total demand can be accommodated on the sidewalks (both sides) with no significant adverse impacts.

It is likely that as pedestrians approach the proposed pedestrian bridge from Squibb Park, consolidation on the west sidewalk of Columbia Heights would occur. Conservatively allocating all pedestrians on the proposed bridge (a maximum of approximately 86 persons in a peak 15 minute period) to that sidewalk (approximately 15’-7” wide, with a 12’-0” effective width) results in 0.6 persons per foot width per minute (PFM) or a Level of Service A operation on the sidewalk, and therefore no significant adverse impacts are expected.

Comment 364: The pedestrian analysis should be conservative and analyze some additional east-west sidewalks, such as Joralemon Street between Columbia Place and Furman Street and Atlantic Avenue between Hicks and Columbia Streets. (Markowitz)

Response: As previously noted, present pedestrian volumes are relatively light near the waterfront. Utilizing the data shown on Figures 15-7, 15-8, and 15-9 of the EIS, it would be expected that the north sidewalk of Joralemon Street (7’-8” wide or about 3’6” effective width) just west of Columbia Place would have a maximum demand of approximately 249 persons in a 15-minute period in the PM peak hour. This translates to about 4.7 PFM or a very good Level of Service A operation on the sidewalk. Atlantic Avenue west of Hicks Street (north sidewalk), with a similar sidewalk width but lower overall pedestrian volumes closer to the Brooklyn-Queens Expressway, would have a Sunday peak level of service that would be better than the LOS A/B shown for the Atlantic Avenue sidewalk between Clinton and Court Streets (see Table 15-22). Conducting the pedestrian analysis further upland where the base pedestrian volumes are highest (the project increment remains constant) is generally the worst-case condition for analysis of potential impacts on these sidewalks.

Comment 365: Level of service conditions listed in Table 15-22 of the DEIS are inaccurate and safety issues will arise from the poor foundation of the conclusions. The premise

that the intersection of Joralemon and Furman Streets should serve as a pedestrian intersection with the levels of usage indicated in Table 15-22 poses a significant compromise to pedestrian safety. Has DOT considered traffic calming measures as part of its proposal to convert Furman Street to two way traffic? Furman Street is a high speed traffic street and it would be dangerous for pedestrians who have to look beyond the Brooklyn-Queens Expressway supports to cross the street. (Healy)

Response: The design of the westerly end of closed Joralemon Street will be developed in coordination with NYCDOT. All sight-line restrictions and traffic calming needs will be addressed in this design effort. It should be noted that the existing traffic signal at that location would remain and, therefore, pedestrians would cross while Furman Street traffic is stopped.

Comment 366: Traffic calming measures are needed to relieve congestion and pollution. (Melnick)

Response: The analyses in the EIS do not establish the need for the project's reliance on any traffic calming measures.

Comment 367: The DEIS should not depend on the NYCDOT Downtown Brooklyn Traffic Calming Program (TC) to mitigate clearly identified hazards for pedestrians (53% of park users) on approaches to entrances at Atlantic, Joralemon and Old Fulton Street. The focus of the TC measures at these locations was to improve vehicle flow, not pedestrian safety. While the EIS describes the unavoidable hazards to pedestrians as they cross Brooklyn-Queens Expressway ramps or Furman Street, it relies in the vaguest way on the Traffic Calming Project to mitigate the hazards. (Ketcham, Konheim)

Response: See responses to prior comments on this same subject.

Comment 368: Without planning for better transit and increasing vehicular traffic there will be a significant impact on pedestrian circulation and safety. The EIS should disclose traffic and accident data for Atlantic Avenue from Columbia to 4th Avenue for the past 5 years and plan to ensure pedestrian crossings with low cost measures. Safety measures are important at Atlantic Avenue and the Brooklyn-Queens Expressway, Court Street, 3rd and 4th Avenues, and Boerum Place. (Van Slyke)

Response: The analysis in the EIS addresses the concern expressed in this comment. With regard to the request contained in the second sentence of the comment, there is no reasonable basis to require that of the proposed project. The pedestrian analysis in this EIS focuses on the key access corridors where concentrations of project-generated demand are expected. Expanding the Atlantic Avenue corridor eastward is not warranted as project effects are unlikely.

Comment 369: Does Table 14-7 and the references to peak hour pedestrian traffic in the text in Chapter 15 refer to a per hour rate, while the Tables and Figures in the Chapter refer to a 15 minute peak period within the peak hour? (P. Fleming)

Response: References to both peak hour pedestrian traffic volumes and peak 15-minute pedestrian traffic volumes are provided in the EIS. However, for analytical purposes, only the peak 15-minute volumes are used. As an example, the pedestrian volume figures (Figures 15-4, 15-7 and 15-8) show peak 15-minute volumes on various sidewalks within the three peak periods analyzed. Tables 15-5, 15-9, and 15-22 show the peak 15-minute level of service analysis. It should also be noted that there is a peaking factor when translating hourly volumes to peak 15 minute volumes.

Comment 370: The Joralemon Street sidewalk is not 8 to 10 feet but 6 or 7 feet and 3 at the tree pits. It needs to be remeasured. The pedestrians on the last block of Joralemon Street are not studied. This is where pedestrian traffic from the Court and Montague subway stations and from the south Heights will funnel. They will walk in the street because the sidewalk is narrow. Handicapped people can not use the sidewalk here. The bluestone paving material further contributes to its inability to serve large volumes of pedestrians. There would be a pedestrian impact on Joralemon Street from Hicks to Furman Streets. The DEIS is incorrect that sidewalks would continue to operate at acceptable levels of service. (Ciaccio, P. Fleming, Healy, Landes, Strem)

Response: The sidewalk dimension on Joralemon Street west of Hicks Street varies from block to block but ranges between 7 and 8 feet. As noted in the response to a previous comment, combining pedestrian volumes and allocating them along the sidewalks of Joralemon Street would yield a peak Build condition volume of approximately 249 persons in the Sunday peak period (peak 15 minutes) on the north sidewalk west of Hicks Street. An analysis of the north sidewalk of Joralemon Street west of Hicks Street indicates an LOS A utilizing a 3-foot 6-inch effective width. That LOS would not constitute a significant adverse pedestrian impact. An analysis of this location on Joralemon Street is now included in Chapter 15, "Transit and Pedestrians."

Comment 371: Tables 15-15 and 15-22 and Figures 15-7 and 15-8 only tabulate pedestrian traffic on Joralemon Street between Court and Clinton Streets. A portion of that traffic then goes north or south at Clinton, Henry and Hicks, and others from those streets may turn onto Joralemon Street. The DEIS does not indicate what happens in the final block below Hicks Street. These last block numbers should be derived. (P. Fleming)

Provide the best way to determine pedestrian distribution. I derive 1,749 new pedestrian trips at the peak 15-minute period during the Sunday Peak Hour at the Old Fulton, Water, Washington, Cranberry, Clark, Montague, Joralemon,

Atlantic, and Columbia Street sites (by subtracting the Figure 15-7 numbers from the Figure 15-8 numbers). When you multiply 1,749 new pedestrian trips by 4 we get 6,996 new trips in an hour, close to the Table 14-7 number of 6,716 in the Sunday Peak Hour. Is this the best way to derive distribution? E.g., the sum of new trips at Montague and at Clinton Streets (however distant from our last block) is 374, or 21.38% of those 1,749 total new trips/15 Min. Peak. (P. Fleming)

Response: The approach to assessing the distribution used in the EIS is correct. However, it should be understood that the assignment of pedestrian flows is from two main components, the subway demand (York Street station, High Street station, Borough Hall station, Montague and Joralemon Street stations and the Clark Street station) and the demand from resident populations proximate to the site. While the latter demand is spread around the project site, the former is derived from point sources, which for analysis purposes are assigned directly to the nearest portal, except the Montague Street subway station trips that are split between Joralemon Street and Squibb Park Bridge. It should also be noted that there is a peaking factor when translating hourly volumes to peak 15-minute volumes.

Comment 372: Page 15-2 incorrectly refers to Columbia Place as Columbia Heights. Figure 15-5 says looking south not looking north. (P. Fleming)

Response: The FEIS has been revised to refer to Columbia Place and the figures have been revised accordingly.

Comment 373: Adjustments to crosswalk and traffic light timing will not allow 800 people every 15 minutes to cross safely where currently it is dangerous for 25 people to cross every 15 minutes at any intersection in the area, including Old Fulton and Furman Street. (VanderPutten)

Response: Chapter 15, "Transit and Pedestrians," describes potential pedestrian conflicts along the key access corridors with a focus on Old Fulton Street and Atlantic Avenue. Several area-wide studies are commencing or are underway, including the local development corporation transportation planning study mentioned above, to address potential off-site pedestrian and accessibility improvements.

Comment 374: A safe and attractive walking route from the park to Atlantic Avenue must be included in the plan. (Balboza)

Response: See response to the prior comment. Streetscape improvements outside the project area are not part of the proposed project.

Comment 375: The forecast assumes 12 percent of park users arriving by subway and 53 percent arriving on foot but the Pedestrians Chapter assigns all pedestrian trips to corridors leading to or from subways. (Ketcham)

Response: This comment is not correct. The pedestrian assignment is distributed broadly for the walk-only trips. As an example, Figure 15-8 of the EIS shows 302 pedestrians in 15 minutes on the Columbia Street Greenway in the Sunday peak hour. The subway assignments are point sources from each station.

Comment 376: The DEIS mentions the hazards for pedestrians coming off the Brooklyn Bridge but makes no mention of upcoming NYCDOT studies of alternatives (bike/pedestrian ramp off the bridge onto Cadman Plaza East and signalized bike/pedestrian crosswalk mid-block on Adams Street between the off ramp and Tillary Street). This would enable people to cross Park and cross Cadman Plaza West south of heavy traffic off the Brooklyn Bridge ramp and Cadman Plaza West south of heavy traffic. (Ketcham)

Response: Chapter 15, "Transit and Pedestrians," describes potential pedestrian conflicts along the key access corridors with a focus on Old Fulton Street and Atlantic Avenue. Several area-wide studies are commencing or are underway, including the local development corporation transportation planning study mentioned above, to address potential off-site pedestrian and accessibility improvements.

AIR QUALITY

Comment 377: Clean air-management targets should be set for all park activities, These should govern fine particulate and smog emissions. Local Law 77 should be followed. The best available technology should be used to cut emissions from diesel construction vehicles. All park-related vehicles, including taxis, ferries and maintenance machinery should adopt these standards. (Bicek)

Response: All equipment and systems used at the proposed park are required to meet applicable regulations, codes and standards for pollutant emissions. Since the park does not own or manage ferry operations, it cannot regulate or limit emissions from these operations; however, no significant adverse air quality impacts are anticipated from these operations. Local Law 77 governs construction projects for City-sponsored projects and does not pertain to maintenance or operational sources. The primary sources of emissions due to the proposed park are from stationary sources such as heating, ventilation and air conditioning (HVAC) systems, and as presented in the DEIS, these were found to result in no significant adverse air quality impacts.

Comment 378: The conclusion that there would be no significant adverse air quality impacts is wrong. The American Lung Association has declared that New York City air

failed clean air tests. The EIS should include air pollution monitoring during PM rush hours at Atlantic and 3rd and 4th Avenues. (Van Slyke)

Response: The EIS is correct. As presented in the EIS, New York City is classified as a non-attainment area for ozone and particulate matter with an aerodynamic diameter of less than two microns (PM_{2.5}). Ozone is a regional air quality issue. Ozone is formed when pollutants such as nitrogen oxides and organic compounds (precursors) react in the atmosphere in the presence of sunlight to form ozone. These precursors are generated from sources in the area but a major component is due to polluted air transported into the region from upwind sources. The proposed project would not be a major source of air emissions and on a regional scale would have a negligible impact on ozone formation. PM_{2.5} is also a regional issue; however, as discussed in the EIS, NYCDEP has developed interim guidance criteria to ensure that maximum PM_{2.5} concentrations from specific projects do not increase above specific thresholds that are a small fraction of the ambient air quality standards. As demonstrated in the EIS, the traffic due to proposed park would not result in an increase in PM_{2.5} concentrations exceeding the NYCDEP guidance criteria. Other analyses were performed which also concluded that the project would not result any air quality impact standard being exceeded. Therefore, no significant air quality impacts are predicted.

Comment 379: The marina will have impacts on air quality. Exhaust will be in close proximity to park users. Marine exhaust is not highly regulated. The DEIS does not address this. (Gruneberg, Vojtisek-Lom)

Response: Impacts from the marina proposed for the park would be insignificant. Most of the vessels moored at the marina would be small pleasure craft, in particular sailboats, which have very small motors. Marine engines emissions would generally only operate when vessels are maneuvering into and out of the marina. Other operations at the marina would include vessel refueling and light maintenance. These activities would generate very small amounts of emissions. Therefore, no significant adverse air quality impacts from marina operations are anticipated.

Comment 380: No study adequately addresses pollution from vehicular traffic and exhaust. (Ciaccio)

Response: As presented in the EIS, the air quality analyses demonstrated that the maximum predicted pollutant concentrations from mobile sources with the proposed project would be below applicable ambient air quality standards, and the parking garage analysis determined that emissions from the parking facility with the greatest vehicle capacity would not cause any significant adverse air quality impacts.

Comment 381: Air quality in Willowtown from new traffic was not adequately assessed. The buildings will impede dissipation of exhaust. Idling cars trying to get into the park should be taken into consideration. (Bickerstaff, Landes, Stone)

Response: The models used in the mobile source analysis, CAL3QHC and CLA3QHCR, are EPA-approved and are designed to yield conservative estimates of maximum concentrations of pollutant emissions from vehicles. The mobile source modeling analysis includes emissions from vehicles idling at intersections. The mobile source air quality analysis assessed potential pollutant concentrations at the intersections most impacted in terms of air quality. Therefore, at other intersections in the study area, potential impacts due to the proposed project would be expected to be similar or lower than at the intersections analyzed.

Comment 382: The DEIS does not examine air pollution from the residential buildings. (Merz)

Response: The air quality analysis examined the development to be constructed as part of the proposed project. A conservative screening procedure was employed to evaluate air emissions from the buildings' HVAC systems. The results demonstrate that these developments would not cause any significant adverse air quality impacts on existing sensitive uses or on the proposed project.

NOISE

Comment 383: The park plan is innovative and addresses the noise and landscape challenges in a unique way. (Chan) Sound amelioration along Furman Street has been dealt with imaginatively. The model shows the land along Furman Street as raised and terraced with trees. (Wolfe) The Regional Plan Association supports the use of landforms at the eastern edge of the park as a way to mitigate noise and create space for sitting and picnicking. (Griffin)

Response: Comment noted.

Comment 384: All feasible options to mitigate the noise from the Brooklyn-Queens Expressway should be explored. Partner with the NYCDOT and NYSDOT to mitigate impacts within the park. (Koval)

The EIS fails to commit to effective, practical noise mitigation by coordinating a solution with reconstruction of the Brooklyn-Queens Expressway cantilever. (Konheim)

Response: The effectiveness and feasibility of a number of noise mitigation measures were examined in preparation of the FEIS. These included the treatment of the surfaces of the Brooklyn-Queens Expressway, the use of sound barriers, and the of hills within the park. As discussed in Chapter 17, "Noise" of the FEIS, it was determined that the use of hills would be the best solution in terms of feasibility,

cost, visual quality, aesthetics, air quality, and noise. While high noise levels would still represent a significant adverse impact, with the incorporation of hills into the park design, noise levels at park locations just outboard of the hills would be reduced by 9 to 10 dBA, at park locations somewhat farther away towards the river (the bulkhead area) by 4 to 5 dBA, and at the piers by 2 to 5 dBA.

Comment 385: A cumulative impact of new sources of noise must be undertaken. (Steber)

Response: The noise impact analyses considered all significant new sources of noise and provided a cumulative impact analysis of all such sources.

Comment 386: There will be increased noise because of traffic and the park itself. The DEIS study skews the methodology. It only looks at traffic noise from a few selected locations and times of day, which are not necessarily the times and locations of greatest impact. (Steber)

Response: The noise analysis examined the locations where the largest noise impacts due to the proposed project would be expected to occur based upon a consideration of project-generated traffic and other project-generated noise sources. Similarly, the noise analysis examined those days and time periods when the proposed project would most likely result in the largest noise impacts. The FEIS noise analysis concluded that no significant adverse noise impacts would occur at the locations and time periods analyzed (except for the impacts on new park users within the proposed park). Consequently, at other locations in the study area, and for other time periods, no significant adverse noise impacts would be expected to occur.

Comment 387: The noise measurements are inadequate as they were done at one time period—midday. This gives a false impression of the noise on the neighborhood. A 24/7 monitoring is needed. The trucks are noisiest at 4 am to 9 am and the road is also noisy during the evening rush. Noise at the houses is over 60 dBA—equivalent to a passing subway train. Double glazed windows are not enough to counter this noise. (Charton)

Response: Noise measurements were not made only for one midday time period. As discussed in the Chapter 17, “Noise,” Section D, a combination of short term (20-minute) and continuous 24-hour noise measurements were made to determine existing noise levels in the project area. The short-term measurements were made during the weekday midday, weekday PM, and weekend midday time periods. These are the time periods when the project would be expected to produce maximum noise impacts.

Comment 388: The data that was inconvenient was ignored. A new DEIS is needed to adequately analyze noise. An SDEIS considering an analysis of all data by independent acoustical engineers is needed. (Charton)

Response: No data were ignored.

Comment 389: The DEIS does not consider noise increases from sources other than traffic, such as late night delivery of supplies to the hotel, garbage pick- up, late night arrival of guests, and the noise generated by recreation and entertainment at the hotel. No conclusions were reached as to the noise generated by park related usage, such as concerts or other events that would draw crowds and/or feature amplified sound. It does not consider increased traffic from Furman Street becoming two-way and being used as a Brooklyn-Queens Expressway access road and from the planned passenger ship terminal. (Konheim, Simonie, Steber, Wallach)

Amplified noise or music should be avoided. (Thornton)

Response: Noise from project-related traffic during hours other than the hours analyzed in the EIS, such as late night periods, would be expected to be less than during the assessed hours. The noise analysis does account for increased traffic from Furman Street becoming two-way. Routine events that would draw large crowds are not anticipated for the Brooklyn Bridge Park project. Because of the intermittent nature of this noise source, and the relatively high level of noise generated by other sources in the project area, noise from park users is expected to have a negligible effect on ambient noise levels. The potential crowd noise associated with small events has been discussed in the EIS.

Comment 390: AM weekend and weekday times would show dBA levels requiring mitigation if they were studied. (Steber)

Response: The noise analysis examined the weekday midday, weekday PM, and weekend midday time periods. These are the time periods when the project would be expected to produce maximum noise impacts. The project would be expected to have less of an impact during other time periods.

Comment 391: The park introduces uses that will generate more noise, including parking, boats, water taxis and motorized vehicles. These sources are described as non significant since they are compared to the Brooklyn-Queens Expressway and train noise. The situation is excused by making an analogy to other parks; but these parks are wider and have areas to withdraw to quieter spots. (Campbell)

There is no supporting data to support the statement that noise levels would be comparable to existing parks located adjacent to heavily trafficked roadways. (Landes)

Response: The noise analysis considered all relevant noise sources. In general, at most locations, noise from the Brooklyn-Queens Expressway and/or train noise were the dominant noise sources. As discussed in the EIS, there is no feasible and practicable mitigation that can be implemented to reduce noise levels within the park to the 55 dBA L_{10} CEQR criterion for parks, consequently, the proposed park would have a significant impact on users of the new park. The commentor is correct that some parks adjacent to heavily traveled roadways are wider and have interiors with lower noise levels. However, there are some high quality parks in the city that are heavily utilized, such as Hudson River Park, that are narrow and are adjacent to heavily traveled roadways and thus have high levels of ambient noise. It is commonplace for New York City parks to experience noise levels in excess of this criterion. For example, noise levels at Central Park at the southeast corner of Fifth Avenue and 62nd Street for the weekday midday period have been measured at 63.2 dBA (L_{eq}) and 64.4 dBA (L_{10}), for Hudson River Park at 34th Street at 74.6 dBA (L_{eq}) and 77.2 dBA (L_{10}), and for Prospect Park near the Grand Army Plaza entrance at 61.4 dBA (L_{eq}) and 63.6 dBA (L_{10}).

Comment 392: Noise on Doughty Street (between Furman and Everit) needs to be studied. (Park) The noise study does not account for increased traffic noise for increased use of Doughty and Everit Streets for access to the Pier 1 development, increases in transportation routes for city buses, school buses and tour bus traffic. (Simonie, Steber)

Response: The noise analysis examined roadways and locations with the greatest potential for increased traffic from the proposed project. Doughty and Everit Streets are not expected to be heavily utilized by project traffic or serve as primary pedestrian routes to the site, and thus are not expected to have significant increases in noise levels.

Comment 393: The DEIS does not examine noise reflecting from residential buildings. There is no adequate study of the amphitheater effect of high rises on the Willowtown community. A study of noise in Willowtown was requested after the draft scope was issued, such as at meetings of the Willowtown Association attended by BBPDC, as well as after the publication of the Final Scope of Work. Noise from the Brooklyn-Queens Expressway will be reflected back east, exacerbating the problem. The buildings on Pier 6 will reflect Brooklyn-Queens Expressway noise onto State Street. The building must be lowered to the height of the Brooklyn-Queens Expressway as it approaches Furman Street. The DEIS aptly states that the new buildings could increase noise due to reflections but there is no section analyzing noise reflecting from buildings and there is no receptor site on State Street. Noise will affect Palmetto Playground, the public garden and dog run located 70 feet from the proposed residential building. (Bickerstaff, Campbell, Ciaccio, Charton, P. Fleming, Francis, Landes, Merz, Stone, Thornton, Stream)

Response: Reflections from the buildings on the Pier 6 site would not significantly increase noise levels on the Willowtown community. In this area the Brooklyn-Queens Expressway is uncovered and on structure, and noise directly emanating from the Brooklyn-Queens Expressway is the major noise source. Reflected noise attributable to the proposed buildings on Pier 6 would have to travel a significantly greater distance than sound emanating directly from the Brooklyn-Queens Expressway, and the small amount of reflected sound is not expected to result in significant or perceptible increases (Leq) in noise levels.

Comment 394: Noise levels in the park will exceed the levels for a park. The DEIS says that the area is not suitable by city standards to be a park. There is no mitigation for park users. This disregards the intent of CEQR. (Campbell)

Response: The DEIS states that noise levels in the park would exceed the CEQR 55 dBA L₁₀ criterion and the project would result in a significant adverse impact on new park users. There are no feasible and practicable mitigation measures that can be implemented to bring noise levels below the CEQR 55 dBA (L₁₀). As indicated above, it is not uncommon for New York City parks to experience noise levels in excess of the 55 dBA criterion. CEQR requires disclosure of this impact and the examination of whether there is any feasible mitigation. These requirements have been satisfied. CEQR requirements have not been disregarded.

Comment 395: Page 17-20 should refer to Willow Place not Willow Street. (P. Fleming)

Response: Comment noted. The FEIS has been revised accordingly.

Comment 396: A viable plan for open space park must deal with the sound levels. (Campbell)

Response: The impacts related to noise are analyzed in Chapter 17, "Noise."

Comment 397: The DEIS is incorrect that there would be no noise impact on the intersection of Old Fulton and Furman Streets requiring mitigation. The study does not predict the proper increase in traffic at this location and the study should be redone to include both traffic and non-traffic noise sources. (Landes, Simonie)

Response: As part of the FEIS a more refined analysis was performed for the intersection of Old Fulton and Furman Streets. The results of that analysis are reported in Tables 17-8 and 17-9. The refined analysis shows that no significant noise impact would occur at this location.

Comment 398: The statement that potential noise impacts would not be altered with or without the closure of Joralemon Street is not believable. Increased traffic would alter noise impacts. (Landes)

Response: The noise analysis, reflecting project traffic, does not show any significant increase in noise levels with or without the closure of Joralemon Street.

CONSTRUCTION IMPACTS

Comment 399: There will be construction impacts related to noise and traffic. This needs to be minimized with scheduling. Pile drivers produce more noise than any other construction equipment, double the acceptable limit of decibels. With sound traveling upward, it would effectively close the Promenade and reverberate throughout much of the western Heights. According to the DEIS, the pile driving is expected to continue for two years. The Promenade will be closed for two years basically because of construction noise. We urge you to explore faster, quieter ultrasound technologies for pile driving and the least intrusive construction equipment possible and to condense the noisiest, most intrusive aspects of constructions to as short a time as possible. (CB2, Stanton, Thornton, Calet)

Response: Chapter 18, “Construction Impacts,” describes the temporary adverse impacts related to noise and traffic as a result of construction of the proposed park. As described in that chapter, construction noise will be in compliance with the New York City Noise Control Code and the U.S. Environmental Protection Agency (EPA) noise emission standards for construction equipment. In accordance with these standards, construction equipment and motor vehicles will meet specified noise emissions standards; construction activities will typically be limited to weekdays between the hours of 7 AM and 6 PM; and construction material would be handled and transported in such a manner as not to create unnecessary noise. In addition, appropriate low-noise emission level equipment and operational procedures would be used. Compliance with noise control measures would be required in the contract documents as material specifications and by directives to the construction contractor. Noise, while intrusive for short periods of time during certain construction activities, would not constitute a significant adverse impact.

Details of the construction would be worked out in coordination with the Mayor’s Traffic Construction Coordinating Council. Roadway traffic would increase during periods of upland construction, but would not cause a significant adverse impact. The construction schedule for the park project has not yet been developed, but will be developed in consideration of minimizing construction impacts on the surrounding area to the extent practicable.

Comment 400: Trucks should be confined to Furman Street, Atlantic Avenue and Cadman Plaza and banned from local streets. They should be prohibited from accessing Joralemon Street. (Calet, Stanton, Stone, Thornton)

Response: As described above, details of the construction would be worked out in coordination with the Mayor's Traffic Construction Coordinating Council. Joralemon Street is not a designated truck route and its use by project construction trucks would not be permitted.

Comment 401: Vibrations from construction activities could damage historic buildings in adjacent communities. This must be studied. (CB2, Stone, Thornton)

The DEIS offers construction protection plan consideration only for historic structures within 90 feet of project construction. However, the site is bordered, at slightly greater distances, by historic buildings in adjacent neighborhoods, which must also be protected from the vibrations caused by construction. The impact of the park's construction on these adjacent neighborhoods must also be addressed. The 90' distance is not adequate to assure residents of Brooklyn Heights that their property will not be negatively impacted directly by construction vibration, airborne dust and debris, noise and/or light pollution. Additional mitigation strategies must be studied and implemented. (Thornton, VandenBout)

The construction impacts on 8 Old Fulton Street have not been studied. Impacts could arise from vibrations and degradation of air quality. The building is fragile. It is built on wood pilings sitting in the water and has soft mortar and no metal ties. Any change in water levels would be harmful to the foundation. Traffic vibrations and vibrations from equipment could cause the building to tremble. It requires protection. As much distance as possible between the hotel and 8 Old Fulton Street should be provided. The building is 55 feet from the hotel, nearly twice as close as the sensitive distance of 90 feet. (Simonie, Wilner)

Response: As discussed in the EIS, any historic structures located within 90 feet of the proposed park construction, including the development of new buildings within the park, would be included in a Construction Protection Plan. If construction is proposed within 90 feet of 8 Old Fulton Street, it would be included in this plan. This Construction Protection Plan will be developed in consultation with OPRHP and LPC, following all appropriate New York City Department of Buildings, OPRHP, and LPC guidelines regarding the protection of historic and fragile buildings. The Construction Protection Plan would be implemented prior to any demolition or construction associated with the proposed project.

Comment 402: A waterfront project of this magnitude will dislodge a large rat population. Aggressive, early measures, as well as an ongoing pest control program must be undertaken to prevent surrounding neighborhoods from being overrun by these pests. (Thornton)

Response: The proposed project will employ pest control measures during construction.

MITIGATION

Comment 403: The mitigation does not really work. We need evidence that impacts are mitigated. (Simon)

Response: In accordance with the requirements of SEQRA and CEQR, mitigation has been developed to the maximum extent practicable, consistent with social, economic, and other considerations, to address the significant adverse impacts of the proposed project identified in the EIS. Neither SEQRA nor CEQR requires testing of mitigation measures post-implementation.

Comment 404: The National Cold Storage Buildings were found eligible for listing on the S/NR. The fact that other buildings outside the park will not be demolished is not sufficient mitigation. (Kersavage)

At a minimum a full documentation according to the standards of the National Park Service's Historic American Engineering Record prior to demolition of the National Cold Storage buildings is needed. The current mitigation plan is inadequate. (Habstritt)

Response: The project sponsors are in consultation with OPRHP regarding appropriate mitigation measures for the demolition of the former National Cold Storage Plant. Mitigation measures deemed appropriate by OPRHP and the project sponsors are being laid out in a Letter of Resolution between OPRHP and the project sponsors. These mitigation measures will then be undertaken by the project sponsors.

Comment 405: The EIS states that the impacts from dredging would be temporary, localized and non significant. There should be mitigation for this impact. (Markowitz)

Response: No mitigation is necessary, as no significant adverse impact relating to dredging was identified in the EIS.

Comment 406: The EIS does not consider areawide traffic mitigation and improvements. (Armer)

Response: Areawide traffic mitigation measures are not necessary to address the specific impacts identified in this EIS. As noted in the EIS, the principal traffic generators—the park and the Empire Stores—actually have their heaviest demands on weekends and therefore most of the impacts are addressed by localized mitigation measures. Independent of this project, there are several on-going or soon to be initiated studies in Downtown Brooklyn that address broader transportation demand and areawide transportation planning.

Comment 407: Mitigation for the Doughty Street impacts should be provided if required. (Park)

Response: No significant adverse traffic impact to Doughty Street is expected and therefore no mitigation is required.

Comment 408: Traffic is already a big problem. The DEIS needs to give it more thought. You can't just throw up your hands at the problem. The traffic section in the EIS needs to be enhanced. (McCarthy)

One third of intersections that provide access to the park would be severely impacted but have no mitigation. (McCarthy)

Response: The commentor is incorrect. The EIS conforms with SEQRA and CEQR by providing mitigation to the maximum extent practicable. Contrary to the commentor's assertion, only 2 of the 49 intersections analyzed have significant unmitigated impacts.

Comment 409: Mitigation analysis of preventing traffic spill-over in surrounding communities is needed. (CB2)

Response: The mitigation analysis found that of the 16 significantly impacted intersections, only two would be non-mitigable—the exit from Brooklyn Bridge onto Cadman Plaza West and the Tillary Street and Adams Street intersection. Neither of these non-mitigable locations would be likely to result in spillover in surrounding communities. The impact would be concentrated on the Brooklyn Bridge. Both of these locations already exhibit severe congestion and the project's traffic increment would be quite limited.

Comment 410: The statement that because the proposed mitigation measures seek to avoid or reduce the levels of congestion an overall improvement in traffic conditions would occur is nonsensical and assumes outcomes that are entirely uncertain. (Landes)

Response: The EIS does not make the claim attributed to it.

Comment 411: The DEIS relies on tweaking signal timing for mitigation. In several cases, the mitigation only results in a minor improvement within the F category. (Thornton)

Mitigation by tweaking signal timing is inadequate. It will increase speed during off hours making accidents more likely. (Van Slyke)

Response: The mitigation measures proposed for the project impacts (see Table 19-1) include signal-timing changes, modification to signals to include left-turn arrows, modifications to lane allocation and changes in parking regulations. These changes would improve conditions to the No-Build levels as required by SEQRA.

Comment 412: At least one-third of the intersections in the study area will be significantly impacted by the creation of the park. For two of the worst intersections, Tillary/Adams and Cadman Plaza West/Brooklyn Bridge off-ramp, Chapter 19 states that there are no mitigation opportunities because no signal timing improvements are possible. Mitigation measures must attempt to be formulated for these impacts. (Thornton)

Response: Mitigation options were reviewed for the two unmitigated locations, and none were found to be feasible or practicable. Both locations are already heavily congested and would remain so under both No-Build and Build conditions.

Comment 413: Not enough creative or financial resources have been directed towards mitigating the adverse impacts that are clearly recognized pursuant to a SEQRA review. (Thornton)

Response: The project sponsor has complied with the requirements of SEQRA and CEQR to identify mitigation measures to the maximum extent practicable, consistent with social, economic, and other considerations.

Comment 414: Mitigation, such as tolling East River Bridges and a new subway line, is not considered. (Ketcham)

Response: Neither suggestion presents a realistic or practicable mitigation measure for this project.

Comment 415: The DEIS regards as un-mitigatable that BBP traffic would double the traffic back-up on the Brooklyn Bridge. (Ketcham, Konheim)

Response: The project-generated traffic at the two unmitigated locations is relatively small and would not double the traffic back-up on the Brooklyn Bridge. There is no practicable mitigation that the proposed park project could undertake to address these locations.

Comment 416: Real mitigation for pedestrian impacts would be a pedestrian entrance over the highway from the Promenade, which could be integrated with State plans to rebuild the cantilever. (Ketcham)

Response: The analysis of pedestrians found no significant adverse impact to warrant a bridge from the Promenade. However, a bridge from the nearby Squibb Park is planned as part of the proposed project.

Comment 417: The pedestrian safety problems identified for Atlantic and Fulton Streets need to be addressed and should not rely on other improvement projects. (Healy)

Since many thousands of people will be walking to and from the park, according to the numbers provided in the DEIS, there is not but should be a careful

analysis of the serious pedestrian safety issues along Old Fulton Street or Atlantic Avenue. The DEIS points out some of the problems encountered by pedestrians walking to the proposed park, including pedestrian comfort and safety. Yet, no mitigation have been proposed. The DEIS statement that “*given* the substantial increase in activity with the project, park planners would coordinate with NYCDOT and other local initiatives to provide for improved pedestrian conditions and address safety concerns” is a very weak response to an important issue. These conditions should be addressed in the FEIS. There will be significant impacts and mitigation must be provided in the FEIS and not deferred to a later date. (Thornton)

Response: It is not correct to maintain that the DEIS found that the project would have a significant adverse impact on pedestrian safety. Pedestrians traveling to and from the park would utilize existing pathways in the study area, primarily the key corridors of Old Fulton Street and Atlantic Avenue; the DEIS indicated that these locations could benefit from improvements to facilitate pedestrian circulation and reduce conflicts. Such improvements, as reported in the DEIS, are within the scope of several initiatives, including the Downtown Brooklyn Traffic Calming Study, the Columbia Street reconstruction being undertaken by the City of New York, as well as the local development corporation transportation planning study. The FEIS further states that as project planning advances, a set of coordinated steps will be undertaken to ensure safe pedestrian pathways for park visitors. Specifically, BBPDC would coordinate with the various initiatives described above to ensure that the park’s design and user needs are addressed through the implementation of any off-site improvements or other measures that may be determined to be necessary. In addition, pedestrian safety concerns would be addressed as part of NYCDOT’s plans for the redesign of Furman Street. Once the park is constructed, park staff would be specifically responsible for monitoring pedestrian safety within the park and the surrounding area, and would coordinate with NYCDOT and relevant initiatives to address any safety concerns that may emerge.

Comment 418: To mitigate pedestrian impacts at Joralemon and Hicks Streets a loop trolley, jitney or bus service should be required during peak times connecting the Clark, High, Montague and Court Street subway Stations to the park entrances at Atlantic Avenue and Old Fulton Street. (P. Fleming)

Response: There are no projected significant adverse pedestrian impacts on Joralemon Street identified in the EIS, and therefore there is no requirement to consider mitigation such as that suggested by the commentor.

Comment 419: There is no noise mitigation for park users. This disregards the intent of environmental review. (Campbell)

Concluding that noise abatement is unmitigatable would be unconscionable. This is clearly more a matter of finances than technology and must be addressed in the FEIS. (Thornton)

The noise berms are a positive first step but more attenuation is needed and should be described in the FEIS. All abatement measures that modern acoustical technology has identified should be considered. (Thornton, Chittenden)

There will be a lot of noise from the Brooklyn-Queens Expressway this is not adequately planned for. Alternative solutions for buffering the Brooklyn-Queens Expressway and bridge noise should be explored. Consider landscape and elevation changes to mitigate the noise as well as buffers at the Brooklyn-Queens Expressway itself. (Bystrn, Butze, Simonie)

Noise impacts on park users from the Brooklyn-Queens Expressway and bridges must be addressed in the final plan. (Griffin) The DEIS does not address the noise from the Brooklyn-Queens Expressway. It makes vague pledges to study Brooklyn-Queens Expressway noise further and makes no commitment to mitigate the problem. (Charton)

There is no plan for ambient noise dampening of Brooklyn-Queens Expressway noise anywhere in the plan. (Campbell)

Response: As described in Chapter 19, "Mitigation." of the EIS, between the DEIS and the FEIS, the project sponsors committed to examining various noise mitigation measures to reduce noise from the Brooklyn-Queens Expressway at the project site. The effectiveness and feasibility of a number of noise mitigation measures were examined in preparation of the FEIS. These included the treatment of the surfaces of the Brooklyn-Queens Expressway, the use of sound barriers, and the use of hills. As discussed in Chapter 17 of the FEIS, it was determined that the use of hills on the uplands between Piers 2 and 5 would be the best solution in terms of feasibility, cost, visual quality, aesthetics, air quality, and noise. The proposed hills would achieve noise reductions of up to approximately 9-10 dBA immediately adjacent to the hills, approximately 4-5 dBA in the area behind them, and approximately 2-5 dBA out on the piers.

Comment 420: The sound attenuation is paltry (Bowe)

The reliance on sound barriers that do not provide full mitigation is futile and wasteful. (Campbell)

The mitigation is misleading. (Campbell)

A full range of engineering and technological approaches to address the Brooklyn-Queens Expressway noise is needed. The assertion that other than noise barriers, no other feasible mitigation measures have been identified that could reduce or eliminate impacts, is unsatisfactory. (Whelan)

The DEIS is oblivious to the fortuitous obligation of the NYS Department of Transportation to reduce noise from the Brooklyn-Queens Expressway cantilever when it is rebuilt over the next decade and its need for a temporary bypass in the very area where housing and earth berms are proposed. (Konheim)

The EIS must commit to considering every feasible option, including working with Federal, State and City departments of transportation to reduce the current noise level in the park. (Nelson)

Berms or other barriers consistent with the aesthetic character of the park should be used. (Nelson)

Response: As described in the response to the preceding comment, additional noise mitigation measures have been examined and noise mitigation in the form of hills, which would become landscaped elements of the park, have been added to the proposed park.

Comment 421: The mitigation should provide an aesthetic view from the Promenade, maximize park space and provide an attractive landscape terrain. Solutions should reduce noise at peak periods from 85 to 60 dBA from the bulkhead line and from 65 to 50 dBA at a 50 foot distance from the west side of Furman Street. Source reduction for site-wide benefits should be explored, along with on-site abatement for spot reduction and noise displacement strategies. (Whelan)

The DEIS proposes no noise mitigation measures for the park's sitting areas on the water side of Furman Street, commenting that "typical noise mitigation measures, such as the use of noise barriers, would isolate the sitting areas behind a wall, making them unappealing and potentially unsafe." The DEIS does indicate that the BBPDC will further explore noise abatement measures along Furman Street between Pier 2 and Pier 5, but no details are given and they should be provided in the FEIS. (Thornton, Chittenden)

Response: As discussed in Chapter 17, "Noise" and Chapter 19, "Mitigation" of the EIS a variety of noise mitigation measures were considered, and the only practicable and feasible noise mitigation measure identified was the use of a hill running along Furman Street between Piers 2 and 5. The proposed hills have been incorporated into the park design and would achieve a reduction in noise levels close behind the hills of approximately 9 to 10 dBA, and would achieve a smaller reduction in noise levels at the pierhead line. The hills would provide an attractive landscape in the form of landscaped hills with pedestrian paths.

Comment 422: Noise mitigation is needed to create a decent quality of life. The sources of noise need to be regulated. To reduce noise interaction with trains, trains could be redesigned; clatter from the bridge can be stiffened or dampened, road surfaces can be changed; trains can be retrofitted for more quiet operation; geothermal alternatives can be used instead of air conditioning that do not rely

on noisy equipment; the possibility of electronically emitting destructive wave interference for the Brooklyn-Queens Expressway and Manhattan Bridge could be investigated; noise could be deflected skywards; sound could be captured in a vacuum where it can be propagated further; traffic volumes could be reduced by requiring high-occupancy (minimum 4 occupants) vehicles in densely populated districts and banning vehicles where public transportation is available; high fees could be charged to vehicles traveling between the Verazzano Bridge and Triborough and Whitestone Bridges; trucks and motorcycles should be targeted for high-impact noise levy or be rerouted into non-residential districts; through traffic can be blocked from the route, sound-deflecting fins or a new outside material can be put on 360 Furman Street to minimize deflected noise. Every building face directly aligning the Brooklyn-Queens Expressway should be acoustically surfaced to absorb rather than reflect noise. The overhangs of the Brooklyn-Queens Expressway should also be lined. Shells should contain the Brooklyn-Queens Expressway and bridges. (Campbell 5, 6, 15, 31, 32, 40) Additional mitigation measures, including quiet pavement surfacing and noise absorbent coatings on cement cantilevered sections of the Brooklyn-Queens Expressway should be incorporated. (Nelson)

Response: Many of the noise mitigation measures proposed in the above comment are beyond the scope of this project, and would require actions beyond the jurisdiction of the project sponsor or would be infeasible and/or impracticable. Changes to traffic requirements or restrictions on public streets and expressways, fees charged for roadway use, or changes to the physical nature of those roadways are within the purview of NYCDOT and NYSDOT. Major modifications are being contemplated for the Brooklyn-Queens Expressway by NYSDOT, and noise concerns associated with that roadway would be addressed within the context of the consideration of those modifications. The design of subway trains is controlled by the Metropolitan Transportation Authority. It should also be noted that the projected noise levels within the proposed park are consistent with the levels experienced in other major New York City parks, particularly those adjacent to heavily-trafficked roadways.

Comment 423: The buildings must include noise abatement features to avoid reflecting Brooklyn-Queens Expressway noise back into existing neighborhoods. (CB2)

Response: The noise analysis does not indicate any significant amount of reflected noise back into existing neighborhoods from proposed project buildings.

Comment 424: Enclosing the Brooklyn-Queens Expressway when it is rebuilt is the only effective noise mitigation. ESDC should coordinate with NYCDOT as states are required to mitigate preexisting noise conditions for sensitive receptors as part of highway reconstruction. (Charton)

Response: Any enclosure of the Brooklyn-Queens Expressway would be a project of NYSDOT and is not part of, or required of the proposed project. Enclosing the Brooklyn-Queens Expressway would substantially reduce noise levels and BBPDC would support efforts that would minimize impacts on park users. As stated in the EIS, BBPDC will work with NYSDOT as it plans for the rebuilding of the Brooklyn-Queens Expressway.

Comment 425: The only proposed noise mitigation—sealing and glazing residential buildings and using air conditioning—does not help park users and contributes to ambient noise level. Thus, this is not mitigation but exacerbates a condition the DEIS found to be unacceptable. (Campbell)

Response: As described in the response to comments above, following completion of the DEIS, landscaping elements have been added to the park design to provide partial mitigation for anticipated noise impacts on park users. However, as discussed in the FEIS, there is no feasible and practicable mitigation that can be implemented to reduce noise levels within the park to the 55 dBA L₁₀ CEQR criteria for parks. Nonetheless, noise levels in the park would be comparable to noise levels in other New York City parks that are adjacent to heavily trafficked roadways, such as Central Park and Hudson River Park. Acoustical treatments would be used to reduce interior noise levels in residential buildings to below 45 dBA.

Comment 426: The statement in the 2003 scope that a noise attenuation system is contemplated in the area of Piers 2 to 5 generated confidence that the issue had been satisfactorily examined and would not have provoked the faulty premise of the noise section that there is no obligation to mitigate existing noise. (Konheim)

The DEIS relies on the lack of a park project causing noise impacts to defer until the FEIS (which few people see) a loosely defined intention to report, not commit to, the results of a half-hearted exploration of the feasibility and effectiveness of constructing noise barriers or other structures that could provide noise attenuation on the project along Furman Street from Piers 2 to 5. (Konheim)

The noise impact analysis in the DEIS makes a half-hearted pledge to identify potential mitigation, and suggests that noise levels in the park may have to remain roughly twice federal and City guidelines. (Konheim)

Response: See response to the above comment.

Comment 427: All proposed housing would be exposed to unacceptable noise. There is no provision for ambient noise dampening in the plan. (Campbell)

Brooklyn Bridge Park FEIS

Response: All on-site buildings would be designed to maintain L_{10} interior noise levels of 45 dBA or lower, as required by CEQR regulations. Interior noise levels of 45 dBA or lower are considered acceptable interior noise levels.

Comment 428: The only noise mitigation is for residents, disregarding the intent of the review. (Campbell)

Response: As described above, mitigation in the form of landscaped park elements will partially mitigate noise impacts on park users.

Comment 429: Mitigation at 8 Old Fulton Street can cause a hardship for residents who need to maintain the characteristics of the original building and are limited in window choice. Windows need to be custom made and are expensive. (Simonie)

Response: As described in the FEIS, a more refined analysis has been performed for this receptor site. The more refined analysis shows that the proposed project would not result in increases in noise levels that result in a significant adverse impact at this location and therefore no mitigation would be necessary at 8 Old Fulton Street.

Comment 430: The DEIS seeks to evade responsibility for mitigation on the irrelevant and unfounded conclusion on p.17-22 that “The project would not cause noise impacts at the other off-site locations studied.” This is the result of the DEIS omitting any consideration of deflection of noise energy off the new residential towers. (Konheim)

Response: See the responses to the above comments. There will be no significant adverse noise impact at off-site locations due to the “deflection of noise energy” from proposed new project buildings. The changes in noise levels due to reflections from these buildings would not be significant.

Comment 431: To reduce reflected noise, eliminate the 95-foot tall building or reorient it to east/west from the platform of the high-rise to Furman or northwest/southeast on a diagonal ending well before the Atlantic Avenue corner. Reduce the height of the building as it approaches Furman Street to be below the roadbed. (Fleming)

Response: Reflections from the buildings on the Pier 6 site would not significantly increase noise levels on the Willowtown community. In this area the Brooklyn-Queens Expressway is uncovered and on structure, and noise directly emanating from the Brooklyn-Queens Expressway is the major noise source. Reflected noise attributable to the proposed buildings on Pier 6 would have to travel a significantly greater distance than sound emanating directly from the Brooklyn-Queens Expressway, and the small amount of reflected sound is not expected to result in significant or perceptible increases (Leq) in noise levels.

Comment 432: Alternative methods of noise mitigation must be developed by experts and scrutinized by the public. (Charton, Nelson)

Response: As described in the Project Description of the FEIS, the proposed project now includes hills on the uplands between Piers 2 and 5. The effectiveness of the hills in reducing noise levels within the proposed park has been evaluated by noise experts from Cerami Associates and Harris Miller Miller and Hanson. Experts from both firms have determined that the hills would reduce noise levels.

Comment 433: The noise berm would not be tall enough to shield the park from the upper roadway and it would occupy the space that playing fields would have been. (Charton)

Response: The noise levels presented in the FEIS take into account the geometry of the hill and the heights of Furman Street and the Brooklyn-Queens Expressway roadways.

ALTERNATIVES

Comment 434: Reasonable alternatives are not fully explored. All alternatives need to be explored. (Defense Fund, Goldstein, Hillis, Konheim, Manheim)

A different mix of residential and commercial uses should be explored, including with lower buildings, and better entry layout. (Goldstein)

An alternative with a different massing and location of buildings at the gateways needs to be considered. (Nelson)

The DEIS needs a real alternative not just this plan or nothing. (Buxbaum)

A smaller density alternative that still meets the financial needs of the park should be included in the EIS. This could be a 20-story and 8-story building at Pier 6. This is necessary to show that the proposed project is one that avoids or minimizes adverse impacts to the maximum extent practicable. (Nelson)

An alternative that incorporates green practices that reuse wastewater, reduce stormwater runoff, and reduce energy needs should be considered. The wind turbine alternative is not a comprehensive green alternative. (Nelson)

The EIS needs to include an alternative based on earlier community endorsed plans, such as the Schnadelbach plan and the Economic Viability Study of the Piers Sector as published in 1997, which has operating and maintenance costs of \$3.4 million and revenues of \$4.6 million. (Manheim)

Response: The EIS considers a range of reasonable alternatives to the proposed park. This includes a no action alternative, a reduced density alternative that contains less residential development and shorter residential buildings, a modified design alternative that contains a larger amount of commercial space within the Empire

Stores, a modified Pier 6 residential building design alternative, a park with wind turbines, and an alternative that would result in no unmitigated significant adverse impacts.

Under SEQRA, the EIS is not required to consider an exhaustive set of alternatives. Rather, it must consider a range of reasonable alternatives. The essential purpose of the alternatives section is to provide the project sponsors with the opportunity to consider practicable alternatives that are consistent with the goals and objectives of the project, and that could potentially reduce or eliminate significant adverse environmental impacts identified in the EIS. The alternatives assessed in the EIS satisfy SEQRA's requirements.

Comment 435: The addition of townhouses along Furman Street should be seriously studied. This would allow for the hotel/residential complex to be reduced in size and moved back to the existing footprint. (Simonie, Simonie)

Response: The addition of the 30 townhouses that were included in the Reduced Density and Modified Design Alternatives of the DEIS are no longer under consideration, as they could not be incorporated into the updated landscape plan that contains landscaped hills along Furman Street to provide partial mitigation for noise impacts on park users.

Comment 436: In the Reduced Density Alternative and the Modified Design Alternative, the BBPDC includes 30 "brownstones" along Furman Street. The brownstones should not be constructed as they will encroach on an otherwise narrow stretch of the park. (Thornton)

Response: See response to the preceding comment.

Comment 437: The 2000 Plan, including its revenue generating sources, should be an alternative in the SDEIS. (Barrow, Defense Fund, Francis, Hillis, Konheim, Landes, Lowy, M. Maurer, Stone)

The 2003 Scope concedes that the Illustrative Master Plan as reasonable and feasible. It needs to be studied in the EIS. (Defense Fund)

The 2002/2003 plan needs to be an alternative. The May 2003 plan outlined in the draft scope needs to be considered as an alternative. SEQRA requires an evaluation of a range of reasonable feasible alternatives. (Buxbaum 4, Konheim)

The DEIS fails to provide a traffic analysis of the most reasonable alternative, the original 2002 park plan that was the basis of the 2003 scope. (Ketcham)

SEQRA requires that the lead agency choose the alternative that to the maximum extent practicable minimizes or avoids adverse environmental effects. The unmitigated traffic and noise impacts would be substantially lessened by the

2000 Plan Alternative, as it contains no housing and a smaller marina. (Defense Fund)

The conclusion that there is no feasible alternative that could completely eliminate all unmitigated adverse impacts ignores consideration of the 2000 plan. There could be a transit loop that enables the use of mass transit and the elimination of the residential component to mitigate traffic impacts. (Landes)

Response: The 2000 Illustrative Master Plan and the Brooklyn Bridge Park Concept Plan of 2003 are preliminary planning documents. Their background in the formation of the General Project Plan and proposed project is discussed in Chapter 1, “Project Description,” of the FEIS. As discussed in that chapter, the 2000 Plan did not reflect a full and accurate understanding of site conditions, particularly that the recreational program envisioned for Pier 5 could not be realized. That plan would not have met the goals of the proposed project. Furthermore, as detailed in the EIS, the earlier park plan would not eliminate all significant adverse impacts. As demonstrated in Chapter 20, “Alternatives,” the development of any park at this site would result in significant adverse traffic and noise impacts. The 2003 Concept Plan was a key step in the evolving planning process, serving as the transition from a community-based planning initiative to the more formal design and approval process. Moreover, that plan, lacking any residential development component, would not have satisfied the project’s mandate of self-sustainability.

Comment 438: Reinvestigate alternatives that could provide means to mitigate the adverse traffic and noise impacts. (CB2)

Response: As described in the Project Description of the FEIS, the proposed project now includes hills that would somewhat reduce noise levels in the park. However, that impact could not be fully mitigated. As noted in the Alternatives Chapter, given the background traffic conditions in the area, there is no feasible alternative that eliminates all traffic impacts.

Comment 439: The statement that the Reduced Density Alternative would not be financially feasible is based on the identified budget as the appropriate one for this plan. There are areas for savings in the present budget. The alternative must also consider lower costs. (Landes)

Response: As described above, the financial plan for the park was prepared using the best available information at the time of preparation. The financial plan is included as Appendix C of the FEIS. The commentor has not identified any specific areas for savings.

Comment 440: The conclusion that the Reduced Density Alternative would not result in different traffic impacts from the proposed project is unreasonable. Whether the impact is substantial is entirely subjective and open to dispute. (Landes)

Response: The EIS compares the trip generation of this alternative with that of the proposed project and indicates that the traffic would be reduced. However, because of the high background traffic levels in the area, and the level of traffic that would still be generated, the same locations are likely to continue to have significant impacts.

Comment 441: There is an error in the Reduced Density Alternative. The units would be reduced at Pier 6 from 430 to 193 units, a reduction of 267. The net reduction is 237 once the Furman Street brownstones are incorporated. The DEIS says 503 units. (P. Fleming)

Response: The FEIS has been revised to reflect the correct number of the reduction in units with the Reduced Density Alternative.

Comment 442: If a swimming pool can not be part of the present plan it should be assessed as part of an alternative. (Goulder)

Response: As described earlier, a swimming pool is no longer part of the project plan because it would have required government subsidy and would not generate sufficient revenue for the park.

Comment 443: Negotiations are currently taking place to shift development from the Con Edison site to a 20 story buildings at 10 Jay Street as well as an additional 2-story high rise within D.U.M.B.O. This should be implemented. (Whetten)

Response: The commentor is misadvised. Negotiations are not underway to shift development from the Con Edison site to a 20 story building at 10 Jay Street or to an additional 2 story building within D.U.M.B.O.

Comment 444: One alternative shows the Empire Stores having an increase of nearly 38% over the use in the proposed project. As this is an existing facility with a finite amount of space, explain where the addition come from. (Craig)

Response: The Modified Design Alternative is assumed to reconfigures space within the existing building and uses roof areas to create increased available floor area.

Comment 445: A trolley system should be studied as a reasonable alternative because of the bus impact. (Landes)

Response: As discussed in the responses to prior comments, NYCT is expected to provide bus service levels responsive to the project demand and therefore there would be no significant adverse impacts related to bus service.

Comment 446: An alternative should be studied in which the acreage added to the park since the Draft Scope of Work receives additional funding at a rate equivalent to the dollars per square foot allocated to the park in its original configuration. (Thornton)

Response: The proposed project is based upon the construction funding that has been allocated for the park's construction by the City and State. As no further funds have been earmarked, an alternative that is based on a larger funding scheme is not a feasible alternative.

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